



**IN THE COMPETITION APPEAL
TRIBUNAL**

Case Nos. 1089/3/3/07
1090/3/3/07
1091/3/3/07
1092/3/3/07

BETWEEN:

T-MOBILE (UK) LIMITED

Appellant

-v-

OFFICE OF COMMUNICATIONS

Respondent

BRITISH TELECOMMUNICATIONS PLC

Appellant

-v-

OFFICE OF COMMUNICATIONS

Respondent

HUTCHISON 3G UK LIMITED

Appellant

-v-

OFFICE OF COMMUNICATIONS

Respondent

CABLE & WIRELESS & ORS

Appellants

-v-

OFFICE OF COMMUNICATIONS

Respondent

ORDER

UPON reading the determinations made by the respondent to resolve, pursuant to sections 188 and 192 of the Communications Act 2003, “mobile call termination rate disputes between T-Mobile and BT, O2 and BT, Hutchison 3G and BT and BT and each of Hutchison 3G, Orange and Vodafone” published on 7 July 2007

AND UPON reading the determinations made by the respondent “to resolve mobile call termination rate disputes between Hutchison 3G and each of O2 and Orange” published on 10 August 2007

AND UPON reading the appellants’ Notices of Appeal filed on 7 September 2007

AND UPON reading the requests for permission to intervene from: (i) Hutchison 3G UK Limited dated 1 October 2007 in Case nos. 1089/3/3/07, 1090/3/3/07 and 1092/3/3/07, (ii) T-Mobile (UK) Limited dated 2 October 2007 in Case nos. 1090/3/3/07, 1091/3/3/07 and 1092/3/3/07, (iii) British Telecommunications plc dated 1 October 2007 in Case nos. 1089/3/3/07, 1091/3/3/07 and 1092/3/3/07, (iv) Orange Personal Communications Services Limited dated 1 October 2007 in Case nos. 1089/3/3/07, 1090/3/3/07, 1091/3/3/07 and 1092/3/3/07, (v) Cable & Wireless & Ors dated 2 October 2007 in Case nos. 1089/3/3/07, 1090/3/3/07 and 1091/3/3/07 and (vi) Vodafone Limited dated 27 September 2007 in Case nos. 1089/3/3/07, 1090/3/3/07, 1091/3/3/07 and 1092/3/3/07

AND UPON reading the parties’ submissions for the case management conference dated 19 October 2007 indicating that they did not object to any of the requests for permission to intervene

AND UPON the appellant in Case no. 1091/3/3/07 requesting in its Notice of Appeal that these proceedings be stayed pending the Tribunal’s judgment in Case no: 1083/3/3/07

AND UPON the Tribunal writing to the parties and the potential interveners on 9 October and 25 October 2007 in respect of a number of matters arising in Case nos. 1089/3/3/07, 1090/3/3/07, 1091/3/3/07 and 1092/3/3/07

AND UPON considering the parties’ written submissions for the case management conference dated 19 October 2007

AND UPON hearing counsel for the parties and potential interveners at a case management conference on 31 October 2007

AND UPON the Tribunal indicating at the case management conference that it would determine the procedural timetable for these proceedings in due course

IT IS ORDERED THAT:

1. Pursuant to rule 18(1) of the Competition Appeal Tribunal Rules 2003, S.I. 2003 No. 1372 (“the Tribunal Rules”) the proceedings are proceedings before a Tribunal in England and Wales

2. Pursuant to Rule 16 of the Tribunal Rules:

- (a) Orange Personal Communications Services Limited is granted permission to intervene in Case nos. 1089/3/3/07, 1090/3/3/07, 1091/3/3/07 and 1092/3/3/07
- (b) T-Mobile (UK) Limited is granted permission to intervene in Case nos. 1090/3/3/07, 1091/3/3/07 and 1092/3/3/07
- (c) British Telecommunications plc is granted permission to intervene in Case nos. 1089/3/3/07, 1091/3/3/07 and 1092/3/3/07
- (d) Hutchison 3G UK Limited is granted permission to intervene in Case nos. 1089/3/3/07, 1090/3/3/07, and 1092/3/3/07
- (e) Cable & Wireless UK & Ors is granted permission to intervene in Case nos. 1089/3/3/07, 1090/3/3/07, and 1091/3/3/07
- (f) Vodafone is granted permission to intervene in Case nos. 1089/3/3/07, 1090/3/3/07, 1091/3/3/07 and 1092/3/3/07

3. Costs be reserved

4. There be permission to apply

Vivien Rose
Chairman of the Competition Appeal Tribunal

Made: 31 October 2007
Drawn: 8 November 2007