

19/12/03

**COMPETITION TRIBUNAL  
REPUBLIC OF SOUTH AFRICA**

**Case No: 19/IR/Apr03**

**In the matter between:**

<b>Orion Cellular (Proprietary) Limited</b>	<b>Applicant</b>
<b>and</b>	
<b>Telkom SA Limited</b>	<b>First Respondent</b>
<b>The Standard Bank of South Africa Limited</b>	<b>Second Respondent</b>
<b>Edgars Consolidated Stores Limited</b>	<b>Third Respondent</b>

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**ORDER**

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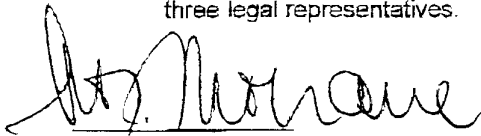
**APPLICATION FOR PRODUCTION AND INSPECTION OF DOCUMENTS, AND APPLICATION  
IN TERMS OF SECTION 45**

After hearing the parties on 15 December 2003, the Tribunal finds and orders as follows:

1. The information contained in the agreements filed by the first respondent at the Tribunal under cover of Form CC7 dated 15 October 2003, namely:
  - 1.1 the "Volume and Term Voice Discount Plan Agreement" between the first respondent and the second respondents dated 13 March 2003 ("the Standard Bank Agreement") and
  - 1.2 the "Volume and Term Voice Discount Plan Agreement" between the first respondent and the third respondent dated 15 July 2003 ("the Edgars Agreement")is not confidential, except as set out in paragraph 2 below.
2. The Tribunal makes an interim ruling that the underlined and bolded information contained in the confidential version of Annexures A and B hereto (being versions of annexures to the Standard Bank Agreement and the Edgars Agreement, respectively,) is to be dealt with as if it were confidential.
3. The Tribunal directs the first respondent to provide copies of the Standard Bank agreement and the Edgars agreement to the applicant's attorneys for use by them on the following basis:
  - 3.1 They may disclose and provide copies of the Standard Bank agreement and the Edgars agreement to directors and other officials of the applicant and to the applicant's counsel, experts, and consultants, but to no other persons.
  - 3.2 Such disclosure will be made for the purpose of pursuing the interim relief application brought by the applicant under case number 19/IR/Apr03 and any related interlocutory litigation; but for no other purpose.

3.3 All parties referred to in paragraph 3.1 will be required to undertake in writing that they are aware of the contents of this order and are to prepared to abide by it. Copies of all such undertakings will be provided by the applicant's legal representatives to first respondent's legal representatives.

4. An interim ruling is made by the Tribunal that the information contained in paragraph 17 of the confidential version of the answering affidavit on behalf of the first respondent in the section 45 application filed under cover of Form CC7 dated 28 November 2003 is to be dealt with as if it were confidential. A copy of such paragraph 17 will be made available by the first respondent to the applicant's attorneys and will be subject to the same regimen as set out in paragraph 3 above in respect of the Standard Bank agreement and the Edgars agreement.
5. The applicant or any interested third party may apply to the Tribunal at any stage for the arrangements set out in paragraphs 2 to 4 to be lifted or made less restrictive on good cause shown.
6. This order supersedes the written undertakings provided by the applicant's attorneys in respect of the Standard Bank agreement and referred to in the affidavits filed on behalf of the applicant.
7. Costs in respect of both applications are awarded to the applicant, including the costs of three legal representatives.



M. Moerane

23 December 2003  
Date

Concurring: T. Orleyn, L. Reyburn