COMPETITION TRIBUNAL
REPUBLIC OF SOUTH AFRICA

Case No's: 11/CR/Feb04

In the matter between:

The Competition Commission	Applicant
and	
Telkom SA Ltd	Respondent

Panel	:	N Manoim (Presiding Member), Y Carrim (Tribunal Member), and T Madima (Tribunal Member)
Heard on	:	21 April 2011
Order released:		4 May 2011

Order –Second Amendment Application

After having heard the parties, the Tribunal orders as follows:

1. The Commission is granted leave to amend the founding affidavit in the complaint referral as follows:

   1.1. By inserting, after the words '*VPN Solutions*' in paragraph 3.2.1.2.5, the following words: *'which encompasses a range of technologies,*

namely X.25, frame-based VPN, cell-based VPN, ATM-based VPN, IP-based VPN and MPLS-based VPN solutions' , and

1.2. By inserting the following sentence at the end of paragraph 11.1.2.2: *'VANS and/or competing services are Internet Services provision and VPN services which are provided using a range of technologies, namely X.25, frame-based VPN, cell-based VPN, ATM-based VPN, IP-based VPN and MPLS-based VPN services.'*

1.3. By inserting the following paragraph after 17.1.3: *'the VANS and/or competing services referred to in par 17.1.2 and 17.1.3 above relate to the services stipulated in par 11.2.2 above.'*

2. The Commission is granted leave to file a supplementary founding affidavit to give effect to the amendments set out in par 1 above.

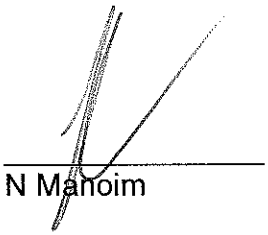
3. The Commission is granted leave to file an amended Notice of Motion to provide for limiting the complaint period to the end of 2004.

4. The respondent is granted leave to file a supplementary answering affidavit in respect of the matters contemplated in paragraphs 2 and 3 above, provided it does so within 20 business days of the filing of the Commission's supplementary affidavit.

5. The Commission's application to introduce certain changes in relation to the complaint of excessive pricing as set out in paragraphs 5(a), 5(b), 7(a), 7(c) and 8 of Annexure A to the Commission's Founding Affidavit in the amendment application is dismissed.

6. The Commission's application to insert section 8(c) as an alternative allegation to sections 8(a) and 9 of the Act in respect of the same conduct as set out in paragraphs 3, 6 and 7(b) of Annexure A to the Commission's Founding Affidavit in the amendment application is dismissed.

7. There is no order as to costs.



N Manoim

Concurring: Y Carrim and T Madima