
ACCESS DISPUTES COMMITTEE

Freightliner Heavy Haul Ltd ("FLHH")

Network Rail Infrastructure Ltd ("Network Rail")

From: Hearing Chair
Floor 8
1 Eversholt Street
London NW1 2DN

Tel: 0207 554 0601

Fax: 0207 554 0603

e-mail: sec.adc@btconnect.com

Ref: ADC/TTP643

Date: 11 November 2013

Dear Sirs

Directions relating to Timetabling Dispute TTP643

Preliminary review of the Sole Reference document provided by FLHH leads me to issue these Directions in order to facilitate conduct of this expedited hearing.

Will FLHH please:-

- confirm that Annex A represents the desired arrival times at Ratcliffe Power Station in the recast plan;
- explain what FLHH thinks that the agreement referred to in para. 5.1 of the Sole Reference document represented, given that FLHH had not by then provided details of trains required to meet the recast plan;
- clarify what flexes FLHH thinks that NR should have exercised to offer it slots; and
- set out what effect FLHH claims that denying it slots will have on the overall recast for Ratcliffe.

FLHH should provide its response to the Committee Secretary by 14 30 tomorrow (Tuesday 12 November) with copy to Matt Allen in NR, thereby enabling NR to address these points in its reply ("defence") statement which is due to be submitted on Thursday 14 November.

In its submission document on 14 November, will NR please:-

- ensure that in its reply it explains whether it agrees with FLHH's submission that FLHH's requests are a Train Operator Variation Request under Condition D3.3. If so, on will NR please say on what basis it thinks that if an Operator's request cannot be met, the Operator making the request can be made to lose existing paths which it is using. If NR does not agree that this was a Train Operator Variation Request under Condition D3.3, then NR must explain how it thinks that the current position has been reached.
- NR should also explain what it thinks that the agreement claimed by FLHH in para.5.1 of the Sole Reference document represented. In particular, NR should also confirm whether DB Schenker and Colas Rail have accepted the paths that they have been offered.
- explain how it has applied the Decision Criteria.

I trust that these Directions are clear.

Yours faithfully

Clive Fletcher-Wood
Hearing Chair

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Committee Secretary