

John Larkinson
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Dear John

CONSULTATION ON CONTINGENCY PLANNING FOR IMPLEMENTATION OF THE 2013 PERIODIC REVIEW

I am writing to you in response to the consultation issued by the Office of Rail Regulation concerning the contingency planning for the 2013 Periodic Review. This is the formal response of Freightliner Group - representing Freightliner Limited and Freightliner Heavy Haul Limited.

We agree that it is prudent for the ORR to have a contingency plan in place, in the event of there being any issue that could delay the finalising and introduction of the current PR13 proposals.

In the event of such a delay occurring, Freightliner is content that the ORR proceeds as per the proposal to implement an amendment to the contract as per paragraph 20(b) of the consultation. Our understanding of this proposal is that the amendment would allow PR13 review notices to be approved with effect from 1st April 2014, in the event that there is any objection that causes a delay to the implementation of the new charges and payment rates associated with CP5.

We are in support of the proposal, with the caveat that there must be a clear process in place for adjusting any rebalancing of payments between Freightliner and Network Rail should there be any revisions to charges after the commencement of the new Control Period.

Furthermore, we agree with the view offered by ORR that any amendment should only be applied with the agreement of all other freight operators, to ensure that all operators are working to the same arrangements from 1st April 2014.

If you require any further input from Freightliner or require any clarification relating to the points raised please let me know.

Yours sincerely

Tim Jackson
Rail Industry Manager
Freightliner Group Limited