

Sam Gibbins
Executive, Track Access
Office of Rail Regulation
One Kemble Street
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Hertford House
1 Cranwood Street
London EC1V 9QS

11th May 2007

Dear Sam,

REVIEW OF ORR'S CRITERIA AND PROCEDURES FOR THE APPROVAL OF TRACK ACCESS CONTRACTS

I refer to the consultation document issued by the Office of Rail Regulation ("ORR") on 20 February 2007 requesting that interested parties add comment to the proposals made by ORR's within that consultation document.

This letter sets out the response of First Capital Connect Limited ("First Capital Connect"), answering specifically those questions posed within the consultation and seeks to add First Capital Connect's more general views on the impact of any proposed changes as outlined in appendix A to the consultation document.

First Capital Connect would support the principle of ORR providing a more selective and proportional response to applications as outlined in paragraph 2.11, as long as the guarantees given in paragraph 3.8 are insured. It believes this guarantee of assistance to be central to the ability of the industry to make robust applications in adherence with ORR's requirements. First Capital Connect would offer similar comments on the proposed introduction of a pre-application consultation; that while it reduces its involvement, ORR would ensure any consultation made under the new arrangements live up to the current clear and timely standards set by ORR. The concerns of the industry regarding this subject were outlined in the workshop of 27 April 2007 and described in the notes of that workshop issued by the ORR. First Capital Connect's concerns on this matter have been included in this formal response to support those concerns.

First Capital Connect also offers its support to ORR's efforts to extend the scale and longevity of general approvals as outlined in paragraphs 2.20 and 2.17. First Capital Connect agrees with the sentiments expressed during the criteria and procedures workshop that ORR's proposal on the use of general approvals will make Track Access matters more manageable.

First Capital Connect considers the streamlining of ORR's published advice and support into a consolidated document to be a worth while suggestion and will support the proposal in so far as the new documentation does not dilute the detail of information currently available from ORR.

The proposals for the integration of the regulatory processes with other industry processes are considered by First Capital Connect to be a worth while suggestion. Particularly, if this proposal offers a more coherent approach to the use of capacity and the provision of firm rights in what appears to be becoming a more stable franchising map.

First Capital Connect believes that the proposal been made by the ORR to introduce deadlines for applications are reasonable and potentially positive for the industry. It would suggest that if these proposals created changes to the expectations placed on parties then these should be clearly outlined to ensure that parties are clear upon their work load and distribution. First Capital Connect also considers it important that any new process of this nature be consulted, as it understands ORR intends to do. This consultation should pay specific attention to the repercussions of a missed deadline and which party would bear the consequence for that miss.

The proposal made relating to the introduction of deadlines and the integration of processes are of concern to First Capital Connect as they are the processes that will have the most dramatic impact on the way that it manages its track access concerns. These processes also offer the most limited details in the consultation document.

First Capital Connect looks forward to hearing the considered response of ORR to these views and those views doubtless raised by the other interested parties.

Yours sincerely

John Beer
Access Contracts Manager