



17 April 2001

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Dear Ms James,

**MODIFICATION OF RAILTRACK'S NETWORK LICENCE:
REPORTERS, REGULATORY ACCOUNTS AND ANNUAL RETURN**

I regret that I am commenting beyond your deadline on the proposals to modify Railtrack's Network Licence enclosed with Michael Beswick's letter of 8 March. I am doing so in the hope that it may nonetheless still be possible for you to take account of one concern.

The concern is that, although the modification proposed at Annexes A and B would require Railtrack to provide information to ORR, they do not require the existence of that information to be publicised to third parties. RIA for example has an active interest in the annual NMS reconciliation statement, and it has been provided when we have asked for it. Yet the current version does not appear on Railtrack's website, nor is there any public indication outside the licence condition that the document even exists. We have also experienced some confusion within Railtrack as to whether or not the document is to be made available to third parties.

We recognise that, following the requirement of paragraph 7 of both Annexes A and B, it would be possible for a third party to make a request for information on an automatic basis at the beginning of each August. As well as requiring the third party to remember to take this initiative, however, there are two particular disadvantages to this arrangement:

- the Regulator may have approved a later date for submission under paragraph 7; and
- the third party would not be aware of what was available, for example under paragraph 6d and 6e of Annex A.

These difficulties would be overcome if Annexes A and B were modified to require Railtrack when submitting the annual return and financial statement to indicate on their website that they had done so, the general coverage of the material, and the date from which it would be available to third parties on request. We would ask you to make an appropriate modification to those Annexes to have that effect.

Yours sincerely

JEREMY CANDFIELD
Director General