



Network Rail
Northern House
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York
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Brian Hopkinson
Track Access Executive
Office of Rail Regulation
One Kemble Street
London WC2B 4AN

18 July 2008

Dear Brian

NXEC Trains Limited: proposed 22nd Supplemental Agreement

I refer to your letter dated 20 June 2008, requesting Network Rail's representations on the application made by NXEC Trains Limited (NXEC) for a proposed Supplemental Agreement to its existing Track Access Contract made under section 22A of the Railways Act 1993.

East Coast Mainline Capacity Specification

On the 16 July 2008, the ORR published its current progress on the consideration of the various applications and aspirations for track access rights on the ECML and to explain the way forward over the next three months. Network Rail agrees that further detailed analysis of competing aspirations is required before Network Rail and ORR are in a position to consider the best long-term allocation of capacity.

ORR has requested that Network Rail produce a capacity and performance assessment report, as a matter of priority, analysing the various aspirations against the available capacity. This will allow timetable development work to be undertaken in line with Part D of the Network Code. Until this process is complete Network Rail will not be in a position to make any decision regarding the conversion of existing contingent to firm rights.

Yours sincerely

Tim Wright
Customer Relationship Executive