

Manager, Track Access Team  
Directorate of Access, Planning and Performance  
Office of Rail Regulation  
One Kemble Street  
London  
WC2B 4AN

**Freightliner Limited**  
3rd Floor, The Podium  
1 Eversholt Street  
London NW1 2FL  
Tel: +44 (0) 7725 781 684  
Fax: +44 (0) 207 200 3975  
Email: [JonesT@Freightliner.co.uk](mailto:JonesT@Freightliner.co.uk)  
Web: [www.freightliner.co.uk](http://www.freightliner.co.uk)

13 July 2011

Dear Sirs

## **Freightliner Heavy Haul Limited Application for Track Access Contract - Supporting Material**

In support of the above application by Freightliner Heavy Haul Limited ('FHH'), FHH wish to make confidential representations to ORR with regard to the commercial imperative for the granting of this new contract to 2021, in line with ORR's policy as stated in paragraph 3.16 of 'Long-term track access contracts: final conclusions' (ORR, 2005).

FHH considers that its' circumstances have not materially changed since the granting of the present contract. Contracts with some existing customers now run beyond the end date of the present contract, and alongside renegotiation of contracts with other key customers, significant investment in rail-specific assets will take place over the next few years.

As referenced in the Form 17, the Schedule 5 rights table has been tidied up to homogenise nomenclature and formatting, which had become untidy after the amendments of many supplemental agreements. The substantive content of Schedule 5 in this proposed TAA is identical to the existing contract as at the 16<sup>th</sup> Supplemental Agreement. A first SA to this proposed TAA will be required to regularise the changes currently being consulted for the 17<sup>th</sup> and 18<sup>th</sup> SAs to the existing contract, once these enter force.

Whilst this was not provided to consultees, nor was the information challenged, FHH requests that the following (italicised) content of this letter, is kept confidential between FHH and ORR.

**[REDACTED]**

## **Conclusion**

On the basis of the life of and investment in FHH's railway assets; ongoing and prospective customer contracts, FHH considers that its' circumstances have not materially changed and that justification therefore exists for this extension of the TAA to be granted. Furthermore, the rights proposed mirror those in FHH's present TAA.

FHH would be pleased to elucidate further upon, or discuss, the foregoing if this is helpful to ORR in its' consideration of this application.

Yours sincerely