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Dear John,

17 May 2013

**CONSULTATION – CONTINGENCY PLANNING FOR IMPLEMENTATION OF THE 2013 PERIODIC REVIEW (CONTROL PERIOD 5)**

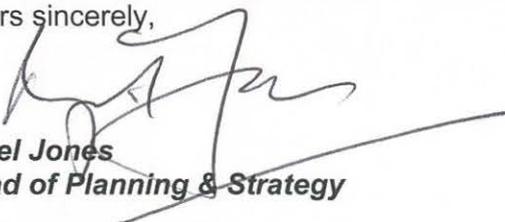
This letter contains the response by DB Schenker Rail (UK) Limited (“DB Schenker”) to the consultation document entitled “Consultation – contingency planning for implementation of the 2013 periodic review (control period 5)” issued by Office of Rail Regulation (“ORR”) on 17 April 2013.

DB Schenker has considered very carefully the implications of there being a delay to the formal implementation of the 2013 periodic review (PR13) against the current uncertainty surrounding the overall effect of the review on rail freight as a whole, particularly in terms of the level of charges. DB Schenker believes that this uncertainty would be exacerbated should there be a delay to the implementation of the periodic review.

Consequently, DB Schenker considers that it would be sensible to proceed in such a scenario by continuing with the current charging provisions in its track access contract being ‘rolled forward’ rather than adopting the proposed CP5 charging arrangements that are the subject of a delayed implementation. Therefore, DB Schenker would not be in favour of adopting ORR’s proposed amendments to track access contract which would result in the ‘delayed’ charging arrangements being introduced with effect from 1 April 2014 notwithstanding any delay to their formal implementation. I can confirm that this is also the position of DB Schenker’s sister company, Rail Express Systems in respect of its charter passenger track access contract.

Please contact me if you would like any clarification or amplification of any of the points in this letter; we would, as usual, be happy to discuss this further and have no objection to the contents becoming public

Yours sincerely,



**Nigel Jones**  
Head of Planning & Strategy