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13 November 2019

Freightliner Group Limited (Freightliner as Respondent)

Network Rail Infrastructure Limited (Network Rail as Appellant)

By email only

Dear Sirs,

Appeal under Part M of the Network Code by Network Rail Infrastructure Limited (Network Rail) in respect of Determination ADP TTP1520 of the Timetabling Panel

1. On 5 November 2019, we wrote to you confirming we would hear the above appeal. We are now writing to outline the proposed process for handling the appeal.
2. Under Condition M7.1 of the Network Code, every appeal will be limited to a review of the decision of the lower tribunal unless ORR considers that, in the circumstances of an individual appeal, it would be in the interests of justice to hold a re-hearing. We have received no requests for such a re-hearing from either party, and ORR does not consider it to be in the interests of justice to hold a re-hearing, therefore we will proceed on the basis of a review of the TTP's decision.
3. We are in receipt of Network Rail's Notice of Appeal dated 22 October 2019 and Freightliner's Respondent's Notice dated 25 October 2019. If either party wishes us to consider any further representations, these should be submitted to us by 5pm on 22 November 2019.
4. We propose to proceed as follows:
 - a. We will first consider any further representations we may have received from the parties in response to paragraphs 3.
 - b. We will consider whether we require further information from the parties and will revert to you on this as soon as possible.
 - c. We will carry out a full review of all the information received, considering whether the TTP was correct in the execution of its powers.
 - d. We will aim to reach our determination by the end of January 2020. We are, however, mindful of the parties' positions and will endeavour to achieve this sooner.
5. Unless directed otherwise, we expect any communications from the parties in respect of these appeals to be sent to all parties, unless there is a particular reason for not doing so. Any such reason should be provided to us to consider whether such an approach is justified.

6. Should any party have comments on the above proposed process, these should be submitted to us by 5pm on 15 November 2019.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'C.W.', is positioned above the printed name.

Caroline Webber