



OFFICE OF RAIL AND ROAD

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Joanna Kinnish  
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MTR Corporation Limited  
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Dear Joe and Jonathan

**Tenth supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and MTR Corporation Limited (Crossrail)**

1. We have today approved the above supplemental agreement submitted to us formally on 4 September 2018, following earlier informal submission for our review.
2. The agreement has two objectives. Firstly, it amends Schedules 4 (Defined Service Group Revenue and Access Charge Supplement) and 7 (Fixed Track Access Charge) of the Contract. These changes are in response to services being remapped from First Greater Western (GWR). Secondly, Schedule 5 is amended in order to correct errors that were inadvertently introduced as part of the 9<sup>th</sup> Supplemental Agreement, and were recently noticed by the Parties.
3. Changes to Schedule 4 were reviewed and we noted that although the methodology of the calculations for the ACS were correct, it was incorrectly shown as the final amount due in 2018/19 prices. The contract should show the ACS in 2012/13 prices, with the Network Rail billing system later updating these in line with the formula set out in the contract to determine the final ACS for 2018/19. You amended this prior to formal submission of the agreement.
4. We conducted a high level check of the Schedule 7 change. We note that one of the most important parts of the Quality Assurance process for a price list supplement is

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that the other party to the contract (the train operator), has had a chance to review Network Rail's calculations and is satisfied with the output. Although Network Rail did not initially share the calculations with MTR, this was done following our request and MTR has confirmed its agreement.

5. Under clause 18.2.4 of the track access contract, Network Rail is required to produce a conformed copy, within 28 days of any amendment being made, and send copies to ORR and the Train Operator. ORR's copy should be sent for my attention.

6. In accordance with section 72 of the Act, we will place a copy of the approval notice and the agreement on our public register. Copies of this letter, the approval notice and the agreement will be sent to Keith Merritt at the Department for Transport and Peter Craig at Network Rail. Copies of this letter and the agreement will be placed on the ORR website.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'John Trippier', written in a cursive style.

**John Trippier**