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Please find attached an updated list of the remaining trains in dispute. I have appended additional columns to the right showing our specific remedies under Condition D5.3.1(a), and also our considered view on what the effect might be on other train operators. In some instances, where there is no likely effect on other operators, it might be appropriate that D5.3.1(c) is invoked. I have removed some items from the spreadsheet in instances where the problem has been fixed, where we have made alternative arrangements or where there is no longer a commercial requirement.

The spreadsheet details specific remedies on a train-by-train basis - largely this is the provision of a suitable path; we are hoping the outcome is to leave us in the position we should have been in at D-26 had Network Rail processed our bids in a manner consistent with the Network Code.

We are anticipating that ORR, as part of the appeal, will give guidance on the correct application of Part D of the Network Code to address the issues raised in our Sole Reference Document; we believe Network Rail's interpretation of its obligations is far too narrow and in some cases erroneous. Whether this constitutes a "remedy" as such is open to interpretation but would nevertheless be useful for the industry as a whole.

Regards

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