

ACCESS DISPUTES COMMITTEE

Please see below directions issued on behalf of the Hearing Chair.

1. By **17:00 Friday 14 February 2020** AWC shall provide a supplemental statement of case in reply to NR's SRD, copied to NR. The statement of case shall set out comments on matters that remain in dispute. In particular it shall set out clearly:

(a) whether it asserts that damages (compensation) is payable for breach of its track access contract. If so, in connection with Network Code Part D5.7.1, whether it relies upon bad faith and/or an unreasonable decision and it shall set out all facts and matters relied upon for such assertion(s); and

(b) whether it agrees with NR on the four matters set out on page 5 of NR's SRD under the heading **Network Rail's Flex** which NR says it does **not** consider to be in dispute

2. By **17:00 Monday 17 February 2020** NR shall provide a statement of case in response, copied to AWC. In particular it shall, having regard to the comments made by the ORR in [67, 68, 70 and 72] on its decision on the appeal in TTP1520, set out clearly its reasoning for the assertion on page 6 of its SRD to the effect that: 'The power of a TTP does not extend to compensating AWC ... and It ... has no jurisdiction to order compensation against [NR]'.