

Second Directions, issued on 08 March 2024

1. I am grateful to all Parties for their responses to the first Directions Letter. Having reviewed the responses, the Panel and I have some further questions for the Parties. Please can both Parties respond to these questions **by 10:00 on Monday 11 March**, or sooner if possible.
2. The Panel notes that the Parties have differing opinions on:
 - (a) the outcome of the joint meeting on 06 December;
 - (b) the status of GBRf's bid for the test trains between 08 and 12 February (either 'live' (GBRf) or 'not able to be progressed' (NR)).

Regardless of the latter point, there was a clear aspiration of GBRf to operate test trains on the infrastructure in question, on the dates in question.

Questions for GBRf

3. It is apparent that GBRf requires a Statement of Compatibility ("SoC") to be issued in order to operate the test trains over Sheepcote Curves. NR's submission (NR Appendix N) implies this has not yet been completed. Is this correct? If so, when is the SoC due to be completed? If not, when was the SoC completed and provided to NR? Please provide an email chain, or similar evidence, in support of the confirmed completion date, either past or in the future.
4. Which of its Track Access Contracts is GBRf intending to operate the test trains under? Both contracts make it clear that GBRf only has the right to operate Specified Equipment that has obtained "vehicle and route acceptance", but the wording in each contract is slightly different.
5. How often does GBRf bid, via the 'Day A for Day C' process, without a SoC? If this has happened on other occasions than the one in dispute, does GBRf usually receive the SoC prior to the day of operation? If so, how close to the day of operation is this usually received? How often has GBRf had to cancel services planned via 'Day A for Day C' due to a SoC being unavailable?

Questions for NR

6. The Panel understands, from NR's Directions response, that NR access planners manually checked train planning systems on 08 February 2024, and consulted NR's Supply Chain Operations team, Charter Team and the passenger train operator SWR. Did NR access planners give consideration to contacting the 'Day A for Day C' Team? If not, why not?
7. Was GBRf's bid received electronically by NR? If so, when was it uploaded into TPS? Was this before, or after, NR says it checked TPS?
8. Can NR please confirm: the Panel understands that NR Appendix Q2 is how NR would have applied the Decision Criteria had it been aware of GBRf's aspirations for the test trains at the time of making the access decision. Is this understanding correct?

Question for both Parties

9. The Panel's current understanding of the SoC and TOVR (Network Code Condition D3.3) processes is that a SoC needs to be in place in order for that train to be classed as Specified Equipment with permission to operate under the relevant Track Access Contract, but not necessarily in place for a TOVR to be processed by NR. Does this match your company's understanding? If not, please point to any authority requiring an SoC to be in place before a TOVR can be actioned.

[Signed on the original]

Matthias Kelly KC
Hearing Chair TTP2388
08 March 2024