

10 May 2006

Dear XXXX

REQUEST UNDER THE FREEDOM OF INFORMATION ACT 2000 (THE "ACT")

Thank you for e mail of 31 March 2006. You requested information under the Act, namely "did the ICEC ITT exclude effects of possible open access on the East Coast, or didn't it?"

I am writing to advise you that the Department does hold information that is relevant to your request and have included the relevant clauses and paragraphs for the ICEC ITT and subsequent information from the clarification phase of the process referring to open access below.

Clause 3.2.9 states:

"The existing service specifications and associated access rights of other franchised passenger operators (GN, Central, Midland Mainline, ONE, Virgin Cross Country, Virgin West Coast, TransPennine Express, Northern Rail and ScotRail) and open access passenger operators (Hull Trains) should be assumed to remain at current levels. Bidders should note the Rail Regulator's recent approval of a supplemental track access agreement granting Hull Trains additional rights including a fifth service in each direction each weekday."

Section 7 of the Mandatory Alternative Tender Proposal, states:

"Bidders should not consider anything that would constitute a significant service reduction, and should take into account the rights and aspirations of freight, open access and other operators regarding the use of available paths in the timetable."

Regarding your second request "Could I have a copy of the letter sent by SRA in response to a request from a bidder (understood to be GNER) seeking clarification on the allocation of the risk from open access operators on the InterCity East Coast franchise.

I am sorry to inform you that following an internal search for there is no evidence of such a letter.

I hope you will find this information of help and assistance.

If you are unhappy with the way the Department has handled your request or with the decisions made in relation to your request, you may complain by writing to me at the above address. Please see attached at Annex A details of the Department for Transport's complaints procedure and your right to complain to the Information Commissioner.

Yours Sincerely,

xxxx
Press Officer - DfT Rail Desk

Annex A

Your right to complain to the Department and the Information Commissioner

You have the right to complain about the way in which your request for information was handled and/or about the decision not to disclose all or part of the information requested. In addition a complaint can be made that Department has not complied with its FOI publication scheme.

Your complaint will be acknowledged and you will be advised of a target date by which to expect a response. Initially your complaint will be re-considered by the official who dealt with your request for information. If, after careful consideration, that official decides that his/her decision was correct, your complaint will automatically be referred to a senior independent official who will conduct a further review. You will be advised of the outcome of your complaint and if a decision is taken to disclose information originally withheld this will be done as soon as possible.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF