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11 April 2011

Robin Gisby  
Director, Operations & Customer Services

Paul Plummer  
Director, Planning and Development

Network Rail Infrastructure Limited  
Kings Place  
90 York Way  
London  
N1 9AG

Dear Robin and Paul

### **Operational performance in 2010 - 11**

Further to Bill Emery's letter of 12 January to Peter Henderson, it is now clear that Network Rail has missed all of its sector-level operational performance targets for 2010-11, apart from those for regional PPM and CaSL. These represent customers' reasonable requirements and we now need to consider whether the failure amounts to a breach of condition 1 of your network licence and your obligation to secure the operation of the network in accordance with best practice and in a timely, efficient and economical manner.

At our review on 16 March you set out evidence for your view that performance was again affected by exceptionally severe weather and that the failure to meet targets was to some extent due to circumstances beyond your control. You also detailed your actions to deliver good performance throughout the year and to mitigate the effects of the winter weather.

We will write to you separately about the freight delay requirement. In respect of the passenger obligations, if you wish to provide any further evidence that you have fulfilled and are fulfilling your obligations to the greatest extent reasonably practicable, please do so as soon as possible, and in any case no later than **Tuesday 19 April**. We are planning to make a recommendation to our Board in May.

Yours sincerely

*Michael Lee*

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