



IN THE COMPETITION
APPEAL TRIBUNAL

Case: 1106/5/7/08

BETWEEN:

ENRON COAL SERVICES LIMITED (IN LIQUIDATION)

Claimant

-and-

ENGLISH WELSH & SCOTTISH RAILWAY LIMITED

Defendant

ORDER

UPON receiving the application filed by the Claimant on 26 March 2009

AND UPON reading the letters dated 26 and 23 March 2009 from the solicitors to the Claimant and the Office of Rail Regulation respectively

AND UPON reading the letters dated 11 and 17 February 2009 and 26 March 2009 from the solicitors for the parties

IT IS ORDERED THAT:

1. The Office of Rail Regulation discloses to the parties to these proceedings the documents on its file from the *EWS* investigation which were submitted by Edison Mission Energy, AEP Energy Services and/or by ex-employees of Edison Mission Energy and/or AEP Energy Services and which are identified in the Annex to the letter of Claimant's solicitors of 26 March 2009 within two weeks of the date of this Order.
2. The parties to the proceedings shall only use the documents disclosed by ORR for the purpose of the proceedings except where:
 - (a) the document has been read to or by the Tribunal, or referred to, at the hearing which has been held in public;
 - (b) the Tribunal gives permission; or

(c) the party who disclosed the document and the person to whom the document belongs agree.

3. There shall be liberty to apply.

Lord Carlile of Berriew Q.C.
Chairman of the Competition Appeal Tribunal

Made: 2 April 2009
Drawn: 2 April 2009