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**From:** Nolan, Brandon [Brandon.Nolan@mcgrigors.com]  
**Sent:** 29 April 2010 16:03  
**To:** Richard Jeffrey; Steven Bell; Fitchie, Andrew; rush\_aj@cqm.co.uk; Dennis Murray; Susan Clark  
**Cc:** david\_mackay@tiscali.co.uk; Williamson, Simona  
**Subject:** Pricing Assumption No. 1 - Privileged and confidential - prepared in cotemplation of litigation  
**Attachments:** Text for letter from tie to Infraco in relation to Pricing Assumption no. 1 23\_4\_10 - V4 updated 29-.DOC; Summary of discussions with Helen Davies QC re pricing assumption no.1 - V7 updated BEN 29-4-10 - CI.DOC

Dear All,

I attach :

1. Summary of preliminary discussions with Helen Davies QC re PA 1
2. Draft letter to Infraco

You will see that I refer in the draft letter to "necessity" as well as "reasonable foreseeability" - these are different and distinct tests the first being favoured by Counsel but foreseeability is the test arrived at by Robin Bloise- Brooke.

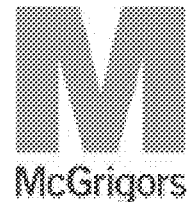
I do have a concern that the draft letter may not be aligned with tie's submissions in the current adjudication and if this is the case it may be prudent to wait until the adjudication is at and end before sending the letter. In this event I would envisage that the letter would be tweaked appropriately to refer to any significant matter that arises from the adjudication.

Regards

Brandon

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