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Friday, May 27, 2005

VIA FACSIMILE
(202) 565-9019

Hon. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423

ENTERED
Office of Proceedings

MAY 27 2005

Part of
Public Record

Re: STB Docket No. MC-F-21008

Dear Secretary Williams:

This refers to STB Docket No. MC-F-21008, East West Resort Transportation, LLC, and TMS, LLC, d/b/a Colorado Mountain Express—Petition for Declaratory Order—Motor Carrier Transportation of Passengers in Colorado and to the Petition of the Colorado Public Utilities Commission, filed May 25, 2005, asking you to issue Subpoenas ad Testificandum and Duces Tecum compelling the appearance for deposition and the production of documents by Mr. Christopher Jarnot, Vice President for Marketing and Sales, and Ms. Susan Rubin-Stewart, Director of Reservations, Vail Resorts Management Company, Avon, Colorado.

I am Associate General Counsel for Vail Resorts Management Company. Several weeks ago counsel for the Colorado Public Utilities Commission David A. Beckett, Esq. contacted me regarding his desire to depose Mr. Jarnot and Ms. Rubin-Stewart. I agreed that they would be made available to be deposed this coming Thursday, June 2, 2005, in response to a subpoena issued by you.

However, Mr. Beckett never indicated that he sought the production of such a volume of documents. Vail Resorts Management Company is not a party to this proceeding. The document production request is unprecedented, unduly burdensome and oppressive. Accordingly, I wish to advise you that I intend early next week to reply and oppose the Colorado Public Utilities Commission's Petition insofar as it seeks the production of documents, and I respectfully request that you not issue the Subpoenas Duces Tecum in the meantime.

This letter has been served upon the Colorado Public Utilities Commission by my facsimile transmitting a copy to its counsel.

Sincerely,

VAIL RESORTS MANAGEMENT COMPANY

A handwritten signature in black ink, appearing to read "Mark E. Manley". The signature is fluid and cursive, with the first name "Mark" being more prominent than the last name "Manley".

Mark E. Manley, Esq.
Associate General Counsel

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