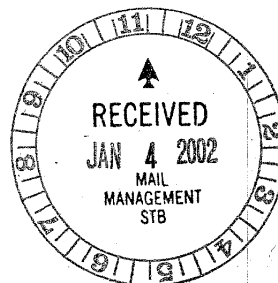


204304

Manning Grain Company
4 Burress Road
Fairmont NE 68354
402-266-3701



October 23, 2001

Vernon A Williams, Secretary
Surface Transportation Board
Case Control Unit Suite 713
1925 K Street N.W.
Washington, DC 20423-0001

ENTERED
Office of the Secretary

JAN 07 2002

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Public Record

RE' STB Docket NO AB-492 (Sub-No2X) Fillmore Western Railway Company
Abandonment Exemption in Fillmore County, NE.

Reply in **Opposition** of motion to reject or strike Manning Letter dated October 11, 2001.

First, the Manning Letter is not in violation of Section 1152.27(h)(4), because the Letter was written, and sent by a shipper on the line. We are neither the offeror or the carrier.

Why did we wait so long to send the letter? We have become outraged that the FW (fillmore western) has so far gotten away with Theft, Deception, and now Lying throughout the whole OFA process! So I called the General council at the STB on October 10, 2001. They advised that we needed to write a letter to the board telling our story. We are real people, and our whole livelihood depends on Rail service. Council also stated there were no deadlines for support letters.

The reason for not providing the letter to PI to present is simple. This is our letter, it is the truth, and we did not have to have lawyers write or prepare it. We have been in the Grain Business for 76 years, and our word is our Bond. We have become way to trusting, because in our business we do grain deals over the phone, worth Millions of Dollars, simply by word. The contract may not be signed till days later, after huge fluctuations in price! We have learned first hand, that the word of the FW Cannot be trusted!

At a Public meeting held July 1, 1999 with the BNSF and FW, Mr. Terry Peterson, Majority owner and in control of the FW stated: " The FW would be glad to sell the line to any party interested in preserving rail service, for the cost FW paid in 1996 or less, because steel prices have fallen over 50% since our purchase from BNSF". This statement was repeated twice. With this, after the meeting, we requested a purchase price for the line.

The figure quoted was, and is disgusting, over \$600,000. This is over 4 times higher than the purchase price FW paid in 1996! If this property is so valuable, why did the FW wait 3 years after stopping service to file abandonment?

The FW claims that they would not have time to respond to our letter, yet they pull a lot of fancy words out of the dictionary to try and once again twist the facts, and make us look to be the bad guy. In our book, white is white, and a lie should not be twisted into the truth!

Lets review their latest round of fact **twisting**.

As we pointed out, the majority owners of the FW are Salvage Dealers, lets be more clear:

Terry Peterson 40% owner - and Head of The Tie Yard of Omaha NE -Unilaterally controls the FW.

Gary Curly 40% owner -and Head of Curly Steel of Texas -has been involved in many questionable abandonments in the past.

Greg Weber and T.Scott Bannister own 10% each of the operating stock only of the FW.

I did contest the value of the line pointing to the purchase price that FW paid for the line in 1996. I now challenge that the bids provided by fellow salvage companies on this line be held accountable, if for say, PI were to obtain funding through the NE Rail Council.

These bids from FW, if are for real, could be used for collateral!

FW points to a letter sent to shippers in 1998, that they would charge only \$365 per car if we would sign a commitment. The President of FW points out, in the very letter we presented, that there is no way shippers could make a commitment!

Another flat LIE, is a temporary closing of the line was due to washouts on the line in August of 1998. Well the good Lord must have fixed those washouts. FW states in an earlier filing, that all track was up to FRA class 1, and no work had been done since June 1998. As of October 22, 2001, there are no washouts on the OFA line. So who fixed the washouts?

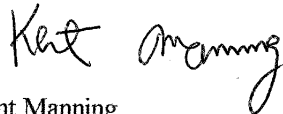
Another false statement presented by FW in a past motion is, that they did not have a \$750 Surcharge, when the president of the FW states in the letter attached to my letter, they did.

Another claim made by FW was that the BNSF, required minimum shipments of 27 or 54 cars, and none of the elevators on the line have this capability. Once again, the president points out in a letter presented earlier, that all shipments were by 27 or 54 cars!

It should be quite clear that the FW are not very trustworthy, and their own statements they present throughout the whole OFA process contradict themselves. In our opinion, the FW should be held in contempt of the board for presenting false statements on record.

Our country is currently engaged in a war on terrorism after attacks on U.S property. We should not allow salvage companies to tear up a part of our national infrastructure, a public utility, for pure greed. We think the FW should be paid what the line is worth, not inflate the price by over four times.

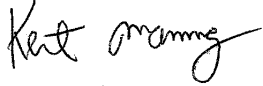
Sincerely,

A handwritten signature in cursive script that reads "Kent Manning".

Kent Manning

CERTIFICATE OF SERVICE

I hereby certify that on October 23, 2001 I served the foregoing document by overnight mail on Karl Morell, Ball Janik LLP, 1455 F Street N.W Suite 225, Washington DC 20005 on Scott Bannister, Esq 1300 Des Moines Building, 405 Sixth Avenue, Des Moines, IA 50309, and on Thomas F McFarland, PC 208 South Lasalle Street Suit 1890 Chicago, Illinois 60604-1194. Also to the Surface Transportation Board.

A handwritten signature in cursive script that reads "Kent Manning".

Kent Manning