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DONALD E. CROSS (1923-1986)

January 8, 2002

Hon. Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, DC 20423-0001

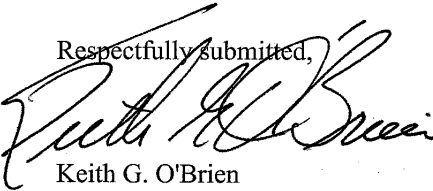
Re: STB Finance Docket No. 33407

Dear Secretary Williams:

It has come to my attention as counsel for Mayo Foundation that on January 7, 2002, another ex parte communication concerning issues currently pending before the Board was forwarded directly to Chairman Morgan and Vice Chairman Burkes at the direction of Kevin V. Schieffer, President and CEO of Dakota, Minnesota & Eastern Railroad Corporation. Section 1103.14 of the Board's Rules specifically prohibits such private communications in a pending case.

It is respectfully requested that the Board deal with the situation by imposing appropriate sanctions as set forth under Section 1102.2 (f) of the Rules of Practice.

Respectfully submitted,

  
Keith G. O'Brien  
Counsel for: Mayo Foundation

cc: All parties of Record



ENTERED  
Office of the Secretary  
JAN - 8 2002  
Part of  
Public Record