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JAN 15 2002

Part of
Public Record

January 11, 2002

Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

Via Facsimile (202) 565-9003



RE: STB Finance Docket No. 33407

Dear Secretary Williams:

It has been brought to my attention and causes me great concern that an ex parte communication has taken place regarding matters pending before the Board in that a communication was had directly with Chairman Morgan and Vice Chairman Burkes by Kevin V. Schieffer, President and CEO of Dakota, Minnesota and Eastern Railroad. This is in violation of the Board's rules that prohibit private communications in a pending case.

I believe a) this is a pending case; and b) a communication from a CEO is a private communication. Your remedy is pursuant to Section 1102.2(f) of the Rules of Practice. I express desire that you impose a sanction on this situation.

Sincerely yours,

John M. Daly

JMD:bcb