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May 27, 2005

VIA FAX (202) 565-9019

ENTERED
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214095

Hon. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, NW (7th fl.)
Washington, DC 20423-0001

Dear Secretary Williams:

This refers to STB Docket No. MC-F-21008, East West Resort Transportation, LLC, et al., - Petition for Declaratory Order - Motor Carrier Transportation of Passengers in Colorado, and the letter of Mr. Mark Manley of Vail Resorts Management Company dated this same day, May 27, 2005. Mr. Manley's letter in turn refers to the May 25, 2005 Colorado Public Utilities Commission's (CPUC) First Petition for Issuance of Subpoena to Appear at Deposition and Produce Documents.

Please be advised that CPUC anticipates filing a reply to Vail Resorts Management Company's opposition to CPUC's Petition. CPUC strongly believes that the document production request set forth in its petition for issuance of a subpoena is reasonably tailored to the evidence already submitted in this proceeding by Vail Resorts Management Company on behalf of Colorado Mountain Express. Paragraphs d) and e) of the document production request seek only the records consulted by Vail Resorts Management Company in the preparation of Mr. Christopher Jarrot's previously filed September 21, 2004 Verified Statement. CPUC refers to and relies specifically on the following quoted language from paragraph 1 of Mr. Jarrot's Verified Statement:

In making this verified statement, my staff has consulted the records of Vail Resorts Management Company kept in the ordinary course of its business. They have also verified the information reported here, as necessary, with similar records kept by Colorado Mountain Express . . .

CPUC production request a) reflects CPUC's more detailed description of the passenger information it anticipates Vail Resorts Management Company was referring to in the first quoted sentence from Mr. Jarrot's Verified Statement. In addition, CPUC believes that the letters and

Page 2

other forms of correspondence referred to in paragraphs b) and c) of CPUC's document production request are few in number, short in terms of pages, and, therefore, the requested production is reasonable and of limited size. These are the only five document production requests made by CPUC to Vail Resorts Management Company. To the extent Colorado Mountain Express is permitted to rely on these statements as evidence, it is only fair to permit CPUC to inquire into these statements through discovery in advance of the due date of its Verified Reply Statement. CPUC's need to conduct reasonable discovery is most important when, as is the case in this docket, the Board's modified procedures have been invoked and cross-examination of witnesses at an evidentiary hearing will not take place.

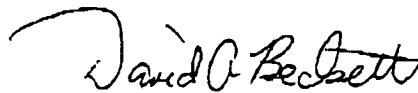
By this letter, CPUC has presented its initial reaction to the impending formal opposition to its Petition and is not waiving any additional arguments that might arise from the anticipated opposition to be filed by Vail Resorts Management Company.

A copy of this letter has been served upon Vail Resorts Management Company, by facsimile to its counsel, Mr. Mark Manley.

If you have any questions concerning the foregoing which you believe I may be able to answer or if I otherwise can be of assistance, please let me know by either telephone or e-mail as provided below.

Sincerely,

FOR THE ATTORNEY GENERAL



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DATE: May 27, 2005

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IMMEDIATE DELIVERY TO: Hon. David M. Konschnik

FROM: David A. Beckett
Assistant Attorney General
Business and Licensing Section

NUMBER OF PAGES (INCLUDING COVER): 3

SPECIAL INSTRUCTIONS: The attached letter refers to STB Docket No. MC-F-21008, East West Resort Transportation, LLC et al. Petition for Declaratory Order - Motor Carrier Transportation of Passengers in Colorado and the First Petition for Issuance of Subpoena to Appear at Deposition and Produce Documents filed by the Colorado Public Utilities Commission on May 25, 2005.

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