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July 12, 2005

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VIA FAX (202) 565-9019

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

ENTERED
Office of Proceedings

Part of
Public Record

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. Fritz Kahn dated July 11, 2005 describing circumstances related to the July 6, 2005, Amended Notices of Deposition served by the Colorado Public Utilities Commission on Mr. Christopher Jarnot and Ms. Susan Rubin-Stewart of Vail Resorts Management Company.

Mr. Kahn states CME's belief that CPUC and Vail Resorts Management Company have been unable to voluntarily come to an agreement regarding the production of documents by representatives of Vail Resorts Management Company. Mr. Kahn and CME are mistaken. If Mr. Kahn had attempted by other than e-mail to reach me, Mr. Kahn's July 11, 2005, letter to the Board would have proved wholly unnecessary.

First, Mr. Kahn, on behalf of CME, is continuing to meddle in a matter that affects his client only indirectly. The issue of document production pursuant to a deposition subpoena issued to a non-party witness is one that exists directly between the subpoena petitioner, here the Colorado Public Utilities Commission, and the deponents, here Mr. Jarnot and Ms. Rubin-Stewart of Vail Resorts Management Company.

Second, more rigorous efforts by CME to contact me yesterday were necessary because the State of Colorado computer server was down and no external e-mails were transmitted during yesterday's business hours. As a result, CME filed its July 11, 2005 letter with the Board prior to delivery of Mr. Kahn's warning e-mail at 6:03 p.m. MDT and its receipt earlier this morning upon my arrival to the office. CME also filed its July 11, 2005 letter with the Board prior to the sending and delivery of Mr. Manley's e-mail response to all counsel, including Messrs. Kahn and Burke, indicating that Vail Resorts Management Company believes that an agreement regarding document production had been reached and seeking confirmation of that fact.

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Finally, and wholly contrary to the insinuation set forth in Mr. Kahn's July 11, 2005 letter, my dealings with Vail Resorts Management Company, and specifically Mr. Manley, have always been in the spirit of the Board's ordered encouragement on this issue (see the Board's Decision, served June 1, 2005).

CPUC regrets that the Board has expended unnecessary resources stemming directly from CME's July 11, 2005 hastily submitted letter filing. CPUC fully anticipates cooperative and productive depositions of Mr. Jarnot and Ms. Rubin-Stewart, in which an agreed upon subset of documents will be produced.

The original and ten copies of this letter will be overnighted to co-counsel, Mr. Ed Greenberg, to facilitate its filing with the Board. An additional copy will be enclosed for you to stamp to acknowledge your receipt of the letter and to return to Mr. Greenberg via the messenger.

A copy of this letter has this day been served upon Colorado Mountain Express, by U.S. mail and facsimile to its counsel, Messrs. Burke and Kahn, and upon Vail Resorts Management Company, by U.S. mail and facsimile to its counsel, Mr. Mark Manley. This letter will not be e-mailed due to the advisement from my office's technical support team that the State of Colorado's server is still blocking e-mails.

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 facsimile as provided below.

Sincerely,

FOR THE ATTORNEY GENERAL



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