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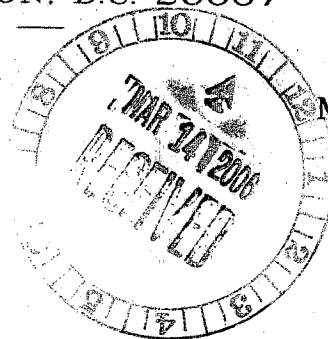
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March 10, 2006

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



ENTERED
Office of Proceedings

MAR 15 2006

Part of
Public Record

Re: Ex Parte No. 656 (Sub-No. 1)
Investigation into the Practices of the
National Classification Committee

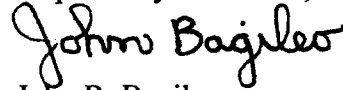
Dear Secretary Williams:

Pursuant to the Procedural Order of the Surface Transportation Board (STB) in the above-styled investigation proceeding, the evidentiary record was closed on December 22, 2005, with the filing of the Reply Comments of the National Motor Freight Traffic Association, Inc. and the National Classification Committee (NCC) on that date. The STB's website indicates that on February 27, 2006, more than two months after the record was closed, and with no notice to the NCC, the STB's Office of Proceedings posted a letter from five Congressmen, dated February 21, 2006, opposing the continuation of the NCC's antitrust immunity. The NCC submits that the incorporation of that letter into the record at this late date would be substantially and procedurally unfair to it, and should not be given any weight. If the STB, nonetheless, has determined that the contents of that untimely letter will be considered in reaching its decision on the merits of this proceeding, the NCC submits that it must be given the opportunity to respond to the unfounded allegations made therein.

The Congressmen's letter plainly identifies that it is submitted on behalf of candy businesses which are their constituents and which are parties of record. Moreover, even though the NCC's records show that none of those Congressmen, or their staff, have ever attended an NCC or a Classification Panel public meeting at which classification proposals were considered, serious, unsubstantiated, and patently erroneous allegations are made about the classification process, and its administration by the motor carrier members of the NCC. The Congressmen's mistaken views about the classification process and its administration apparently were colored by candy manufacturer opponents of the NCC's Section 5a Agreement. In fairness, such allegedly substantive comments should not be permitted to be placed in the record at this late date, and, in any event, the NCC should not be denied the opportunity to establish the errors in those allegations if the contents of that letter are to be considered in this proceeding.

Inasmuch as this matter is presently pending decision by the STB, it is requested that the agency promptly respond to this letter so that the status of the Congressmen's letter in this proceeding can be identified, and that the STB indicate whether the NCC will be given the opportunity to respond to those allegations.

Respectfully submitted,

A handwritten signature in black ink that reads "John R. Bagileo". The signature is written in a cursive, slightly slanted style.

John R. Bagileo

Counsel to the National Motor Freight
Traffic Assn., Inc. and the National
Classification Committee