

SURFACE TRANSPORTATION BOARD

DECISION

STB Ex Parte No. 693

ORAL ARGUMENT

Decided: April 2, 2010

The Surface Transportation Board will hold oral argument on Tuesday, April 27, 2010, at 9:30 a.m., in the Board's hearing room at the Board's headquarters located at 395 E Street, S.W., Washington, DC. The argument will address Stagecoach Group PLC and Coach USA, Inc., et al.—Acquisition of Control—Twin America, LLC, STB Docket No. MC-F-21035. The oral argument will be open for public observation, but only counsel for the parties will be permitted to present argument.

In STB Docket No. MC-F-21035, Stagecoach Group PLC; its noncarrier intermediate subsidiaries;¹ Coach USA, Inc.; International Bus Services; City Sights Twin, LLC; and Mr. Zev Marmurstein (collectively, Applicants) seek to acquire control, under 49 U.S.C. 14303, of Twin America, LLC (Twin America). Applicants assert that the proposed transaction will result in control of a single entity which will provide motor carrier tourism operations in and around New York City.

The New York State Attorney General (NYSAG) has an ongoing antitrust investigation concerning Twin America and its formation. The NYSAG has filed comments asking the Board to reject the application, or to reserve its decision until the NYSAG concludes its investigation. Comments have also been filed by the Transport Workers Union of America. Continental Guest Services Corporation has submitted its filings before the Supreme Court of the State of New York, including a temporary restraining order, as part of the record in this proceeding.

The Board will hear argument on the acquisition application. Applicants will have a total of 20 minutes of argument time and the opposition will have a total of 20 minutes of argument time. Applicants will open and may reserve part of their time for rebuttal if they so choose. Board members may ask questions during the parties' allotted time.

By April 20, 2010, the parties should submit to the Board the name of the counsel who will be presenting argument and who counsel will be representing. If the applicants or the opposition parties wish to divide their 20 minutes, they should indicate how much time each wishes to be allotted. Applicants should indicate the requested time reserved for rebuttal. Absent a request from the Board, no additional written comments may be filed in connection with this

¹ Stagecoach Transport Holdings plc, SCUSI Ltd., and Coach USA Administration, Inc.

oral argument. Each party is encouraged to use its oral argument time to call attention to the points it believes are particularly important. The arguments will be in the style of an appellate court. Parties should prepare a short statement of their argument and be prepared to answer questions from the Board. The purpose of oral argument is not to restate the written arguments previously made, but to summarize and emphasize the key points of a party's case, and provide an opportunity for questions that the Board may have regarding any issue in the proceeding.

Certain documents in this proceeding have been designated as confidential. The Board strongly urges counsel for the parties to limit oral argument to the discussion of evidence that is in the public record. However, if this proves unworkable for the parties, they are reminded that paragraph 4 of the Protective Order adopted in this proceeding on January 29, 2010 will govern the treatment of confidential material at oral argument. If any party knows in advance that it plans to discuss confidential information at the oral argument, the Board requests that the party so notify the Board and opposing counsel by April 20, 2010.

Counsel for the parties should check in with Board staff in the hearing room prior to the argument.

A video broadcast of the oral argument will be available via the Board's website at <http://www.stb.dot.gov>, under "Information Center"/"Webcast"/"Live Video" on the home page.

Instructions for Attendance at Hearing

The STB requests that all persons attending the hearing use the Patriots Plaza Building's main entrance at 395 E Street, S.W. (closest to the northeast corner of the intersection of 4th and E Streets). There will be no reserved seating, except for those scheduled to present oral arguments. The building will be open to the public at 7:00 a.m., and participants are encouraged to arrive early. There is no public parking in the building.

Upon arrival, check in at the 1st floor security desk in the main lobby. Be prepared to produce valid photographic identification (driver's license or local, state, or Federal government identification); sign-in at the security desk; receive a hearing room pass (to be displayed at all times); submit to an inspection of all briefcases, handbags, etc.; then pass through a metal detector. Persons choosing to exit the building during the course of the hearing must surrender their hearing room passes to security personnel and will be subject to the above security procedures if they choose to re-enter the building. Hearing room passes likewise will be collected from those exiting the hearing upon its conclusion.

Laptops and recorders may be used in the hearing room, but no provision will be made for connecting personal computers to the Internet. Cellular telephone use is not permitted in the hearing room; cell phones may be used quietly in the corridor surrounding the hearing room, or in the building's main lobby.

The Board's hearing room complies with the Americans With Disabilities Act, and persons needing such accommodations should call (202) 245-0245, by the close of business on April 20, 2010.

For further information regarding the oral arguments, contact Amy Ziehm at (202) 245-0391. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at (800) 877-8339.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. Oral argument in this proceeding will be held on Tuesday, April 27, 2010, at 9:30 a.m., in the Surface Transportation Board Hearing Room, at 395 E Street, S.W., Washington, DC, as described above.
2. By April 20, 2010, the parties shall submit to the Board the name of the counsel who will be presenting argument, the party counsel will be representing, the requested time reserved for rebuttal if the party is the applicant, and issues, if any, with respect to the discussion of confidential information at the hearing.
3. This decision is effective on the date of service.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.