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VIA ELECTRONIC FILING

Ms. Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

Re: MC-F-21047, Frank Sherman, FSCS Corporation, TMS West Coast, Inc., Evergreen Trails, Inc. and Cabana Coaches, LLC – Acquisition and Consolidation of Assets – American Charters, Ltd., American Coach Lines of Jacksonville, Inc., American Coach Lines of Miami, Inc., American Coach Lines of Orlando, Inc., CUSA ASL, LLC, CUSA BCCA, LLC, CUSA CC, LLC, CUSA FL, LLC, CUSA GCBS, LLC, CUSA GCT, LLC, CUSA K-TCS, LLC, and Midnight Sun Tours, Inc.

Dear Ms. Brown:

On November 30, 2012 the Livery Operators Association of Las Vegas (“LOA”) filed a Petition to Reopen in the above-referenced proceeding asking the Board to reverse the portion of its September 6, 2012 decision in this proceeding that permitted Evergreen Trails, Inc. (“Evergreen”) to acquire two intrastate operating authorities of CUSA K-TCS, LLC (“K-TCS”), a motor passenger carrier based in Nevada that was in bankruptcy. LOA also argued that the intrastate K-TCS authorities had lapsed due to lack of use.

On December 18, 2012, Evergreen and related parties filed a Reply to the Petition to Reopen. In that Reply, Evergreen, which had previously consummated the transaction under which it had acquired the K-TCS certificates, advised that it planned to initiate intrastate service in Nevada in January 2013 pursuant to the intrastate authority that had been transferred to Evergreen as a result of the Board’s September 6, 2012 decision. Evergreen also took issue with the proposition that the certificates had lapsed.

This letter is to inform the Board that on January 22, 2013, Evergreen initiated intrastate motor passenger service in Nevada, utilizing one of the two transferred certificates. This service

was initiated pursuant to a tariff filed by Evergreen with and approved by the Nevada Transportation Authority (“NTA”) and following a vehicle inspection conducted by the NTA, which agency raised no objection to the initiation of Evergreen’s service.¹ Further, Evergreen plans to initiate service utilizing the second intrastate certificate it acquired.

Evergreen respectfully urges the Board to deny the Petition to Reopen for the reasons stated in its previous Reply so that its service may continue without threat of interruption.

Respectfully submitted,



David H. Coburn
Christopher G. Falcone

Attorneys for Frank Sherman, FSCS
Corporation, TMS West Coast, Inc.,
Evergreen Trails, Inc. and Cabana Coaches,
LLC

cc: All Parties of Record

¹ As discussed in Evergreen’s Reply to the Petition to Reopen, LOA has also filed a petition with the NTA requesting that the NTA refuse to recognize the Board’s September 6, 2012 decision as it applies to the transfer of Nevada certificates from K-TCS to Evergreen. The NTA has yet to issue a decision in that proceeding.