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March 24, 2010

VIA ELECTRONIC FILING

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Office of Proceedings
MAR 24 2010
Part of
Public Record

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

Re: MC-F-21035, Stagecoach Group plc and Coach USA, Inc., et al.— Acquisition of Control — Twin America, LLC

Dear Ms. Brown:

I write on behalf of Applicants in the above proceeding in response to Continental Guest Service Corporation's ("CGSC") March 16, 2010 submission to the Board of materials related to CGSC's March 12, 2010, lawsuit against certain of the Applicants (specifically, International Bus Services, Inc., CitySights Twin, LLC and Twin America, LLC) in the New York Supreme Court. CGSC's lawsuit challenges in part the lawfulness under New York's antitrust laws of the March 2009 joint venture transaction forming Twin America. The lawsuit -- which cites the November 2, 2009, New York Attorney General comments filed with the Board -- was filed almost one year after the transaction and well after the opportunity to submit comments in this proceeding on the pending control Application has passed.

The Applicants that are named in the CGSC lawsuit intend to bring this Board's review and jurisdiction to the New York state court's attention and fully defend against the allegations in the state court complaint. Pursuant to the stipulated schedule that the parties have submitted to the court, the opposition to CGSC's motion for a preliminary injunction would be filed by April 9, 2010, and a hearing on the preliminary injunction would take place on April 20, 2010. Applicants will provide this Board with a copy of the filings that are made by the defendants, and keep the Board apprised of developments.

To the extent that CGSC's state law antitrust claims have placed the lawfulness of the Applicants' transaction before a state court, CGSC has acted in direct contravention of the Board's

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exclusive jurisdiction (which New York's Attorney General has not challenged) over the transaction under 49 U.S.C. § 14303. CGSC's state law based challenge to the transaction is thus expressly contrary to the intentions of Congress conferring exclusive jurisdiction in this Board: "The wisdom and experience of [the STB], not of the courts, must determine whether the proposed consolidation is 'consistent with the public interest.'" *McLean Trucking Co. v. United States*, 321 U.S. 67, 87 (1944) (quoting 79 Cong. Rec. 12207 (1935) in connection with a trucking merger subject to ICC jurisdiction under a predecessor to section 14303)).

Respectfully submitted,



David H. Coburn
Attorneys for Applicants Stagecoach Group plc;
Stagecoach Transport Holdings plc.; SCUSI Ltd.;
Coach USA Administration, Inc.; Coach USA, Inc.;
International Bus Services, Inc.; CitySights Twin,
LLC; Mr. Zev Marmurstein; and Twin America,
LLC

cc: All parties of record
Mark A. Berman, Esq.

CERTIFICATE OF SERVICE

I certify that I have this 24th day of March 2010 served a copy of the Foregoing Letter of Applicants by Federal Express on the parties listed below:

U.S. Department of Transportation
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue, S.E.
Washington, DC 20590

U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

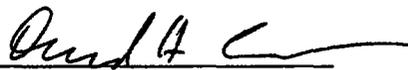
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