

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

ENTERED
Office of Proceedings
January 28, 2019
Part of
Public Record

Docket No. MC-F-21084

**VARIANT EQUITY I, LP, AND PROJECT KENWOOD ACQUISITION, LLC
– ACQUISITION OF CONTROL –
COACH USA ADMINISTRATION, INC., COACH USA, INC., AND TWENTY-NINE
MOTOR PASSENGER CARRIERS**

**MOTION TO EXPEDITE APPLICATION REVIEW AND
FEDERAL REGISTER PUBLICATION**

Applicants Variant Equity I, LP, and Project Kenwood Acquisition, LLC (collectively, “Applicants”) respectfully request that the Board expedite its 49 C.F.R. § 1182.4(a) review of the Application in the above-referenced proceeding and its Federal Register publication of a 49 C.F.R. § 1182.4(b) summary of application. While the recent federal government shutdown has understandably affected the Board’s ability to review the application within the ordinary 30-day period prescribed by 49 U.S.C. § 14303(c), further delays in the regulatory process could prejudice Applicants and other parties to the proposed transaction. Moreover, prompt review of the Application would allow the benefits of the transaction described in the Application to be realized as soon as possible. Applicants ask that the Board complete its review and publish a summary of the Application in the Federal Register as soon as practicable, and by February 15, 2019 at the latest.

On December 20, 2018, Applicants submitted an Application for the approval of control by Applicants of 29 motor passenger carriers currently controlled by Coach USA, Inc. and other parent entities, including the ultimate parent entity Stagecoach Group plc. Under ordinary circumstances, the Board would have been required to review the Application for completeness and (if complete) to publish a summary of the Application in the Federal Register within 30 days

of filing. *See* 49 U.S.C. § 14303(c); 49 C.F.R. § 1182.4. This 30-day period expired on Saturday, January 19, and thus under ordinary circumstances Federal Register publication would have occurred by Tuesday, January 22. *See* 49 C.F.R. § 1104.7(a).

Recent circumstances have not been ordinary, of course. The federal government shutdown between December 22, 2018 and January 25, 2019 substantially prejudiced the Board's ability to perform its regulatory functions, including review of the Application within the timelines of 49 U.S.C. § 14303(c) and 49 C.F.R. § 1182.4.

Applicants recognize that the Board did not have the resources to complete review of the Application during the course of the shutdown. Now that the Board has reopened until at least February 15, 2019, Applicants respectfully request that the Board expedite review of their Application. While Applicants appreciate that the Board has many pressing matters to consider, additional delay in this proceeding could prejudice Applicants and the other parties to the proposed transaction, who have entered into certain agreements that assume a typical timeline for regulatory review. Further delay could affect those agreements in ways that are not consistent with Congress's goal of avoiding unnecessary regulatory constraints on the motor carrier industry. Moreover, the STB's expedited review of the Application would eliminate uncertainty to the parties and would allow the public benefits of the transaction described in the Application to be realized as soon as possible. *See* Application at 12, 14-15.

For these reasons, Applicants request that the Board expedite its review of the Application and publish a 49 C.F.R. § 1182.4(b) summary of application in the Federal Register as soon as practicable, and in all events before the Board's current funding expires on February 15, 2019. Applicants stand ready to promptly respond to any questions or issues identified by the Board and to provide any information to the Board that may aid its review.

Respectfully submitted,

/s/Matthew J. Warren

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Dated: January 28, 2019

CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. § 1182.8(d), I hereby certify that as of this date, January 28, 2019, no parties have appeared in this proceeding other than the Applicants filing this motion, Variant Equity I, LP and Project Kenwood Acquisition, LLC, and that no other parties appear on the service list.

/s/ Matthew J. Warren
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