

SERVICE DATE – AUGUST 21, 2014

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. MCF 21059

ACADEMY EXPRESS, L.L.C.—ACQUISITION OF THE PROPERTIES OF GO BUS LLC
AND ITS AFFILIATE, MCIZ CORP.

Digest:¹ The Board is directing motor carrier Academy Express, L.L.C. to supplement its application to acquire the properties of two motor carriers.

Decided: August 20, 2014

On July 23, 2014, Academy Express, L.L.C. (Academy), a motor carrier of passengers, filed an application under 49 U.S.C. § 14303 for approval to acquire properties of Go Bus LLC (Go Bus) and its affiliate, MCIZ Corp. (MCIZ), both motor carriers of passengers. As a result of this proposed transaction, Academy states that it would acquire the interstate and intrastate operating authorities of Go Bus, its customer lists, telephone numbers, websites, trade name, and its contract with the New York City Board of Education, as well as MCIZ's bus stop in New York, N.Y., and its licenses for two park and ride facilities in Nassau and Suffolk Counties, N.Y.

Pursuant to 49 U.S.C. § 14303 and the corresponding regulations at 49 C.F.R. pt. 1182, applicants are required to file an application that includes, among other things, a description of the proposed transaction; identification of any motor passenger carriers affiliated with the parties, a brief description of their operations, and a summary of the intercorporate structure of the corporate family from top to bottom; and information to demonstrate that the proposed transaction is consistent with the public interest. See 49 C.F.R. § 1182.2.

In processing an application, the Board will review it for completeness. If the application is accepted as complete, a summary is published in the Federal Register within 30 days after the application is filed. Incomplete applications may be rejected. However, applicants are given an opportunity to correct minor errors or omissions, in which case the filing date of the application is deemed to be the date on which the complete information is filed. See 49 C.F.R. § 1182.4.

Here, the Board finds that, although the application contains some information for each of the categories of information required under 49 C.F.R. § 1182.2, in a number of respects the

¹ The digest constitutes no part of the decision of the Board but has been prepared for the convenience of the reader. It may not be cited to or relied upon as precedent. Policy Statement on Plain Language Digests in Decisions, EP 696 (STB served Sept. 2, 2010).

information provided is not substantial enough to provide the required notice to the Board and to the public as to the nature and effect of the proposed transaction. Therefore, additional information is necessary for Academy's application to be considered complete.

First, although the application includes the operating authorities (motor carrier license numbers granted by the Federal Motor Carrier Safety Administration) of Academy, Go Bus, and MCIZ, it does not identify the states in which each entity operates. The application also mentions MCIZ's bus stop and licenses for park and ride facilities in New York, as well as the contract between Go Bus and the New York City Board of Education, but does not describe the operations. Academy therefore will be directed to file supplemental information describing with more specificity the nature of each parties' current operations, including, but not limited to: identifying the states in which each of the parties primarily operates; explaining the nature of Academy's "special and charter operations" and Go Bus and MCIZ's "regular-route operations"; and discussing the extent to which those operations are conducted in interstate commerce. Second, Academy also will be directed to provide similar additional detail regarding the services that it would provide after the contemplated transaction, if approved, is consummated. In connection with the requirement under 49 C.F.R. § 1182.2(a)(7) that the application provide information on whether the transaction is consistent with the public interest (and particularly the effect of the proposed transaction on the adequacy of transportation to the public), Academy should explain how the proposed transaction would affect competitive conditions in the relevant markets (e.g., whether the transaction would reduce the number of competitors in those markets).² Finally, the application does not appear to provide a complete "top to bottom" summary of the corporate families of Go Bus and MCIZ, as required under 49 C.F.R. § 1182.2(a)(4). Accordingly, Academy will be directed to supplement the application to provide such a description.

Academy shall supplement its application as discussed above by September 4, 2014.

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

It is ordered:

1. Academy is directed to file, by September 4, 2014, supplemental information as described in this decision.
2. This decision is effective on its service date.

By the Board, Chairman Elliott, Vice Chairman Miller, and Commissioner Begeman.

² See, e.g., Appl. 9-10, Nat'l Express Acquis. Corp.—Control—Petermann Partners, Inc., MCF 21041 (filed Oct. 3, 2011); Appl. 5-7, Student Transp. of Am., Inc.—Control—Dairyland Buses, Inc., MCF 21042 (filed Nov. 14, 2011).