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SERVICE DATE – LATE RELEASE OCTOBER 28, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. MC-F-21011 TA

CUSA FL, LLC D/B/A FRANCISCAN LINES–ACQUISITION OF ASSETS AND BUSINESS OPERATIONS–PACIFIC COAST BUS SERVICE, INC.

Decided: October 28, 2004

On October 18, 2004, CUSA FL, LLC d/b/a Franciscan Lines (CUSA FL or applicant), a motor passenger carrier controlled by CUSA, LLC, applied for interim approval under 49 U.S.C. 14303(i) and the Board's regulations at 49 CFR 1182.7 to permit applicant to acquire control and operate certain assets of Pacific Coast Bus Service, Inc. (Pacific Coast or seller), a motor passenger carrier. Applicant seeks interim approval pending a decision on their concurrently filed application for permanent approval of the transaction.

According to applicant, Pacific Coast is faced with the loss of its lease on its principal facility and lacks a long-term alternative. Also, its owners have determined that they cannot provide the personal guarantees needed to obtain both a reasonable long-term lease and new capital for expansion, and they thus intend to sell or discontinue the business. A grant of interim approval will allow CUSA FL to use the assets being acquired to provide bus service to passengers of Pacific Coast following its planned cessation of operations. This will enable passenger service to continue while applicant's concurrently filed application for permanent approval is pending.

Under 49 U.S.C. 14303(i), and 49 CFR 1182.7(b), the Board finds that applicant has demonstrated that failure to grant interim approval of the proposed finance transaction may result in destruction of or injury to the properties being acquired or substantially interfere with their future usefulness in providing adequate and continuous service to the public.

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

It is ordered:

1. Applicant is authorized to acquire control and operate certain assets of Pacific Coast under 49 U.S.C. 14303(i) and 49 CFR 1182.7. The application will be considered in a separate decision.
2. This decision is effective on its service date.

3. A copy of this decision will be served on: (1) the U.S. Department of Transportation, Federal Motor Carrier Safety Administration, 400 7th Street, S.W., Room 8214, Washington, DC 20590; (2) the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue, N.W., Washington, DC 20530; and (3) the U.S. Department of Transportation, Office of the General Counsel, 400 7th Street, S.W., Washington, DC 20590.

By the Board, Chairman Nober, Vice Chairman Mulvey, and Commissioner Buttrey.

Vernon A. Williams  
Secretary