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SERVICE DATE – JANUARY 8, 2024

SURFACE TRANSPORTATION BOARD

CORRECTED DECISION*

Docket No. MCF 21113

TBL GROUP, INC.—CONTROL—JKS LIMOUSINES, LLC
DBA WINDY CITY LIMOUSINE COMPANY, LLC

Docket No. MCF 21113 TA

TBL GROUP, INC.—CONTROL—JKS LIMOUSINES, LLC
DBA WINDY CITY LIMOUSINE COMPANY, LLC

Decided: January 8, 2024

On December 6, 2023, in Docket No. MCF 21113, Barry Lewis (Lewis), on behalf of TBL Group, Inc. (TBL Group), filed an application under 49 U.S.C. § 14303 and the Board's regulations at 49 C.F.R. part 1182 for TBL Group to acquire JKS Limousines, LLC d/b/a Windy City Limousine Company, LLC (JKS) and Windy City Limousine Company, LLC (Windy City). On the same date, in Docket No. MCF 21113 TA, Lewis, on behalf of TBL Group, filed a request for interim approval under 49 U.S.C. § 14303(i) and the Board's regulations at 49 C.F.R. § 1182.7 to permit a newly formed entity called Echo Windy City, LLC, a subsidiary of TBL Group, to operate the properties of JKS and Windy City pending a Board decision on TBL Group's application in Docket No. MCF 21113.

Under the Board's regulations, filings must be prepared and signed either (1) by an attorney, see 49 C.F.R. § 1103.2, or (2) by a registered non-attorney practitioner, see 49 C.F.R. § 1103.3. Alternatively, because a corporation cannot represent itself per se, an officer or director, if properly authorized by the corporation, may represent the corporation in Board proceedings. See 49 C.F.R. § 1104.4. The Board has explained in several recent decisions that filers may be required to demonstrate why they are able to serve in a representative capacity. See Codorus Creek Ry.—Feeder Line Appl.—Stewartstown R.R., FD 35071 (STB served Apr. 13, 2010); N.H. Dep't of Transp.—Aban. Exemption—Between Littleton, N.H., & Bethlehem, N.H., AB 1237, slip op. at 3 (STB served Dec. 3, 2015).

Here, Lewis has filed an application and a request for interim approval on behalf of TBL Group but has not shown that he is either an attorney or a licensed Board practitioner, or that he is an officer or director of TBL Group. Accordingly, it is not clear whether Lewis can represent

* This decision modifies the decision served on January 5, 2024, by correcting the response deadline, which as originally listed fell on a federal holiday. The decision remains unchanged in all other respects.

TBL Group in these proceedings. As such, Lewis will be directed to show cause as to why he can represent TBL Group here.¹

Until this issue is resolved, the Board will not adjudicate the application filed in Docket No. MCF 21113, the request for interim approval filed in Docket No. MCF 21113 TA, or any other filings made by Lewis on behalf of TBL Group. Lewis will be directed to respond by January 16, 2024. In the alternative, TBL Group may resubmit its application and request for interim approval through either an attorney, a licensed Board practitioner, or an officer or director of TBL Group, thereby mooting the issue of Lewis' representational capacity. If the issue raised here is not timely addressed, the proceedings will be dismissed.

It is ordered:

1. Mr. Lewis must respond to the issue identified in this decision by January 16, 2024. If the issue raised here is not timely addressed, the proceedings will be dismissed.
2. These proceedings are held in abeyance pending further order of the Board.
3. This decision is effective on the date of service.

By the Board, Mai T. Dinh, Director, Office of Proceedings.

¹ Last October, Lewis filed a separate application on behalf of TBL Group in TBL Group, Inc.—Acquisition of Control—East Coast Transportation Co. of North Florida LLC, Docket No. MCF 21112. In a decision served November 17, 2023, the Board tentatively approved that application, and that authority became effective on January 3, 2024. Although a similar issue about Lewis' representational capacity may have existed, the inquiry in this proceeding does not disturb the acquisition authority granted in Docket No. MCF 21112.