



GARVIN LIGHT HANSON & FEARY

*The full service transportation law firm*

10 West Market Street  
Suite 1500  
Indianapolis, IN 46204

www.scopelitis.com

Main (317) 637-1777  
Fax (317) 687-2414

TIMOTHY W. WISEMAN  
twiseman@scopelitis.com

July 11, 2011

230613  
230614  
230615  
RECEIVED  
JUL 13 2011  
MANAGEMENT  
STB

**SENT VIA FEDERAL EXPRESS**

Ms. Cynthia T. Brown  
Chief, Section of Administration  
Office of proceedings  
Surface Transportation Board  
395 E. Street, S.W., Room 1034  
Washington, DC 20423-0001

Re: Objections of Greyhound Lines, Inc. and Peter Pan Bus Lines, Inc.  
to Motion to File a Reply  
STB Docket Nos. MC-F-20904, MC-F-20908, and MC-F-20912

Dear Ms. Brown:

I enclose a copy of the Objections of Greyhound Lines, Inc. and Peter Pan Bus Lines, Inc. to Motion to File a Reply. to be filed in the above-referenced matter. If you have any questions, please do not hesitate to contact me.

Very truly yours,

Timothy W. Wiseman

TWW/kkc

Enclosure

cc: David H. Coburn, Esq. (w/encl)  
Director of Operations, Antitrust Division, U.S. Department of Justice (w/encl)  
Jeremy Kahn, Esq. (via e-mail)

Indianapolis • Chicago • Washington, D.C. • Los Angeles • Kansas City • Chattanooga • Detroit • Spokane

SERVICES OUTSIDE CALIFORNIA AND MICHIGAN PROVIDED BY SCOPELITIS, GARVIN, LIGHT, HANSON & FEARY, PROFESSIONAL CORPORATION  
SERVICES IN MICHIGAN PROVIDED BY SCOPELITIS, GARVIN, LIGHT, HANSON & FEARY, PROFESSIONAL LIMITED LIABILITY COMPANY  
SERVICES IN CALIFORNIA PROVIDED BY SCOPELITIS, GARVIN, LIGHT, HANSON & FEARY, LIMITED LIABILITY PARTNERSHIP

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

STB  
MANAGEMENT  
JUL 13 2011  
RECEIVED  
↓

**STB DOCKET NOS. MC-F-20908, MC-F-20904, MC-F-20912**

**PETER PAN BUS LINES, INC. – POOLING – GREYHOUND LINES, INC.**

**Objections of Greyhound Lines, Inc. and Peter Pan Bus Lines, Inc.  
to Motion to File a Reply**

Greyhound Lines, Inc. ("Greyhound") and Peter Pan Bus Lines, Inc., ("Peter Pan") respectfully submit their Objections to Motion to File a Reply to the Surface Transportation Board ("STB" or "Board") on behalf of Coach USA, Inc. and its subsidiary, Megabus Northeast, LLC (together, "Coach"). Specifically, Coach complains of expanded service offered by Greyhound/Peter Pan under the "BoltBus" banner over the routes specified in their STB-approved pooling arrangement.

In its latest iteration of its efforts to employ the regulatory process to hinder BoltBus' competitive service, Coach, in two June 16, 2011 letters to the Board, offered up yet another claim that it is all in favor of competition in the Washington – Boston corridor, just not the competition offered by BoltBus, the STB-approved pooled operation by Greyhound and Peter Pan. Coach asserted that the "new" service subject to its most recent complaint "at least raises a question that Greyhound and Peter Pan should be required to answer." (p.3).

They did, by filing with the STB their joint Opposition to those letters on June 28, 2011. That Opposition responded substantively to the "merits" of Coach's complaint, but

even more, it focused on Coach's apparent effort to abuse the regulatory process to hinder a competitive service.

Apparently, just answering the question posed by Coach wasn't enough to sate Coach's curiosity. Three days later, on July 1st, it filed a Motion for permission to file a reply to the Greyhound/Peter Pan reply -- a filing clearly banned by the Board's rule at 49 CFR § 1104.13(c). Coach's justification is that the June 28th filing "for the first time in this proceeding, [contained] a purported explanation of the basis on which [Greyhound/Peter Pan] claim the right to operate the pooled Philadelphia-Boston service," and "[b]ecause Coach has not previously had the opportunity to comment on this novel argument"<sup>1</sup>, it should now be allowed to deviate from the rules and file a reply to a reply. (Coach Motion, pp. 1-2). Coach is seemingly unaware or simply doesn't care that all the arguments have been made and countered in an already voluminous record (and for the most part already resolved by the Board).

In their June 28th Opposition, Greyhound and Peter Pan asserted that in terms of the merits of their position, it was highly significant that Coach had simply ignored the very existence of the April 20, 2011 Board Decision *Peter Pan Bus Lines, Inc. – Pooling – Greyhound Lines, Inc.*, MC-F-20904, *et al.*, which substantively and at length addressed issues surrounding the operation of BoltBus under the Board-approved pooling agreements. Beyond the merits, that Decision also addressed Coach's efforts there to try to file a reply to a reply. The Board said,

---

<sup>1</sup>It is "novel" only in the sense that Greyhound/Peter Pan offered it in response to Coach's demand.

Citing the Board's rule precluding the filing of a reply to a reply, at 49 CFR 1104.13(c), Applicants ask us to reject Coach's letter-reply. Coach argues that its letter-reply is necessary to correct misstatements in Applicants' reply. The alleged misstatements do not, however, constitute good cause for accepting a reply to a reply. *See E. – W. Resort Transp., L.L.C.-Pet. For Declaratory Order – Motor Carrier Transp. Of Passengers in Colo.*, MC-F-21008, slip op. at 2 (STB served Apr. 8, 2005). . . . In addition, the letter-reply repeats many of the same arguments in Coach's petition. For these reasons, we will grant the request to reject Coach's letter-reply. (p.3)

There, Coach alleged Greyhound/Peter Pan's "misstatements"; here it alleges "a novel and apparently unprecedented claim." (p.2) In each proceeding, Coach asserts the procedural rules that apply to others don't apply to Coach. The Board rejected that assertion in its April 20th decision, based on the record, the rules, and cited precedent. Likewise, Coach's current Motion should be denied, but in denying that Motion, the Board should take note of how this latest filing supports Greyhound/Peter Pan's assertion as to Coach's abuse of the regulatory process.

As to the merits of this matter, Greyhound and Peter Pan rely on the fully developed record, including their most recent June 28, 2011 Opposition.

For all these reasons, the STB should deny Coach's motion for leave to file an unnecessary reply in this proceeding.

Dated:

Respectfully Submitted,

By: Jeremy Kahn by T-W By: T-W

Jeremy Kahn

Timothy W. Wiseman

jkahn@erols.com

twiseman@scopelitis.com

ATTORNEY AT LAW  
5788 N Via Amable  
Tucson, AZ 85718  
Tel. 520-329-8226  
[Admitted in District of Columbia only]

SCOPELITIS, GARVIN, LIGHT,  
HANSON & FEARY, P.C.  
10 W. Market Street, Suite 1500  
Indianapolis, IN 46204  
Tel. 317-637-1777

Attorney for Peter Pan Bus Lines, Inc.

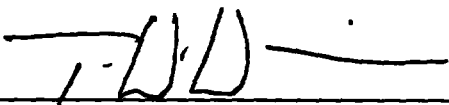
Attorney for Greyhound Lines, Inc.

**CERTIFICATE OF SERVICE**

I certify that I have, this 11<sup>th</sup> day of July, 2011, served copies of the foregoing Objection of Greyhound Lines, Inc. and Peter Pan Bus Lines, Inc. to Ms. Cynthia t. Brown, Chief, Section of Administration, Office of Proceedings, Surface Transportation Board, by U.S. First Class Mail:

David H. Coburn, Esq.  
Steptoe & Johnson LLP  
1330 Connecticut Ave., N.W.  
Washington, DC 20036-1795  
[dcoburn@steptoe.com](mailto:dcoburn@steptoe.com)

Director of Operations  
Antitrust Division  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W., Room 3322  
Washington, DC 20530

  
\_\_\_\_\_  
Timothy W. Wiseman