

46371
DO

SERVICE DATE – APRIL 3, 2018

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 36006

WEST BRANCH INTERMEDIATE HOLDINGS, LLC AND CONTINENTAL RAIL, LLC—
CONTINUANCE IN CONTROL EXEMPTION—CENTRAL GULF ACQUISITION
COMPANY

Docket No. FD 36007¹

CENTRAL GULF ACQUISITION COMPANY—ACQUISITION AND OPERATION
EXEMPTION—CG RAILWAY, INC.

Decided: April 3, 2018

On April 4, 2016, in Docket No. FD 36007, Central Gulf Acquisition Company (CGAC) filed a verified notice of exemption pursuant to 49 C.F.R. § 1150.31 to acquire certain assets from CG Railway Inc., a Class III rail carrier, and to operate an intermodal rail/water transportation service across approximately 1,000 miles of the Gulf of Mexico, between the Alabama State Docks in Mobile, Ala., and Coatzacoalcas, in Veracruz, Mexico.

On the same day, West Branch Intermediate Holdings, LLC, and Continental Rail, LLC, both noncarriers, filed, in Docket No. FD 36006, a verified notice of exemption pursuant to 49 C.F.R. § 1180.2(d)(2) to continue in control of CGAC upon CGAC's becoming a Class III rail carrier. Notice of that exemption was served and published in the Federal Register on April 20, 2016 (81 Fed. Reg. 23,345).

By decision served May 3, 2016, the Board held Docket No. FD 36007 in abeyance and directed CGAC to supplement its notice. On May 9, 2016, CGAC filed its supplemental submission. Thereafter, counsel for CGAC advised the Office of Proceedings that CGAC was no longer certain that it wished to move forward with the contemplated transaction and indicated that further information confirming CGAC's plans would be forthcoming. Based on this representation, the Board postponed issuing its decision in Docket No. FD 36007.

In response to a March 23, 2018 order directing CGAC to report on the status of matters in Docket No. FD 36007, CGAC filed a letter on March 27, 2018, indicating that the seller had

¹ These proceedings are not consolidated. A single decision is being issued for administrative convenience.

selected another purchaser for the assets at issue. CGAC, therefore, requested that the Board dismiss the filings in Docket Nos. FD 36006 and FD 36007.

The record indicates that the sale of assets to CGAC proposed in Docket No. FD 36007 is no longer contemplated and will not happen. Moreover, the exemption sought in that docket has never been granted or taken effect. Therefore, it is appropriate to permit withdrawal of CGAC's verified notice in that docket and close that proceeding. In addition, the continuance in control contemplated in Docket No. FD 36006 is contingent upon CGAC's becoming a carrier as a result of the transaction in Docket No. FD 36007, which, as just noted, will not happen. Therefore, it is appropriate to dismiss the notice of exemption served and published in Docket No. FD 36006 and close that proceeding.

It is ordered:

1. The verified notice of exemption filed in Docket No. FD 36007 is withdrawn, and the proceeding is closed.
2. The notice of exemption served and published on April 20, 2016, in Docket No. FD 36006 is dismissed, and the proceeding is closed.
3. This decision is effective on its service date.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.