

Edgar Filing: KANSAS CITY SOUTHERN - Form 8-K

KANSAS CITY SOUTHERN
Form 8-K
October 09, 2003

SECURITIES AND EXCHANGE COMMISSION

WASHINGTON, D.C. 20549

FORM 8-K

CURRENT REPORT

Pursuant to Section 13 or 15(d) of the
Securities Exchange Act of 1934

Date of Report (Date of earliest event reported):
OCTOBER 8, 2003

KANSAS CITY SOUTHERN
(Exact name of company as specified in its charter)

DELAWARE	1-4717	44-0663509
-----	-----	-----
(State or other jurisdiction of incorporation)	(Commission file number)	(IRS Employer Identification Number)

427 WEST 12TH STREET, KANSAS CITY, MISSOURI 64105

(Address of principal executive offices) (Zip Code)

COMPANY'S TELEPHONE NUMBER, INCLUDING AREA CODE:
(816) 983 - 1303

NOT APPLICABLE
(Former name or former address if changed since last report)

ITEM 7. FINANCIAL STATEMENTS AND EXHIBITS

(c) Exhibits

EXHIBIT NO.
(99)

99.1

DOCUMENT
Additional Exhibits

Press Release issued
by Kansas City
Southern dated October

Edgar Filing: KANSAS CITY SOUTHERN - Form 8-K

8, 2003 entitled, "KCS
Comments on STB
Decision Suspending
Control Application
Proceeding," is
attached hereto as
Exhibit 99.1

ITEM 9. REGULATION FD DISCLOSURE

Kansas City Southern ("KCS" or "Company") is furnishing under Item 9 of this Current Report on Form 8-K the information included as Exhibit 99.1 to this report. Exhibit 99.1 is the KCS news release, dated October 8, 2003, announcing that it accepts the decision of the Surface Transportation Board ("STB") to suspend the procedural schedule involving KCS' request to gain regulatory approval of the control of The Texas Mexican Railway Company ("Tex Mex"), a wholly owned subsidiary of Mexrail, Inc ("Mexrail"). In its decision, the STB stated that "The board will reinstate the procedural schedule at such time as KCS demonstrates that there is reasonable likelihood that it will be able to acquire control of Tex Mex."

The information included in this Current Report on Form 8-K, including Exhibit 99.1, is furnished pursuant to Item 9 and shall not be deemed to be "filed" for the purposes of Section 18 of the Securities Exchange Act of 1934 or otherwise subject to the liabilities of that Section.

SIGNATURE

Pursuant to the requirements of the Securities Exchange Act of 1934, the Company has duly caused this Report to be signed on its behalf by the undersigned hereunto duly authorized.

Kansas City Southern

Date: October 9, 2003

By: /S/ LOUIS G. VAN HORN

Louis G. Van Horn
Vice President and Comptroller
(Principal Accounting Officer)

EXHIBIT 99.1

KANSAS CITY SOUTHERN
Cathedral Square - 427 West 12TH Street - P.O. Box 219335
Kansas City, Missouri 64121-9335

PRESS RELEASE
NYSE SYMBOL: KSU

DATE: October 8, 2003

MEDIA CONTACT: William H. Galligan
william.h.galligan@kcsr.com

Phone: 816/983-1551

Edgar Filing: KANSAS CITY SOUTHERN - Form 8-K

KCS COMMENTS ON STB DECISION SUSPENDING CONTROL APPLICATION PROCEEDING

Kansas City Southern (KCS) (NYSE: KSU) today stated that it accepts the decision of the Surface Transportation Board (STB) to suspend the procedural schedule involving KCS' request to gain regulatory approval of the control of The Texas Mexican Railway Company (Tex Mex), a wholly owned subsidiary of Mexrail, Inc (Mexrail). In its decision, the STB stated that "The board will reinstate the procedural schedule at such time as KCS demonstrates that there is a reasonable likelihood that it will be able to acquire control of Tex Mex."

Michael R. Haverty, KCS chairman, president and chief executive officer, stated, "We accept the STB's decision. It is a reasonable course for the STB to take given the circumstances. It is fair and equitable to KCS and all other interested parties. KCS looks forward to returning to the STB to complete the Tex Mex transaction at a future date."

On May 9, 2003, KCS announced that it had purchased 51% of Mexrail from TFM, S.A. de C.V. (TFM) and immediately had placed the stock into an Independent Voting Trust as it sought regulatory approval to control Mexrail's subsidiary, Tex Mex. On September 30, 2003, TFM exercised its right under the acquisition agreement to repurchase from KCS the 51% of Mexrail stock. KCS will continue to have indirect ownership of Mexrail through its 37% ownership of TFM.

KCS is a transportation holding company that has railroad investments in the United States, Mexico and Panama. Its primary holding is The Kansas City Southern Railway Company (KCSR). Headquartered in Kansas City, Missouri, KCSR serves customers in the central and south central regions of the U.S. KCS' rail holdings and investments are primary components of a NAFTA Railway system that links the commercial and industrial centers of the United States, Canada and Mexico.

#