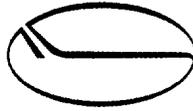


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AIR TRANSPORT ASSOCIATION

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December 30, 2002

Docket Management System
U.S. Department of Transportation
Room Plaza 401
400 Seventh Street, S.W.
Washington, DC 20590-0001

DEPT. OF TRANSPORTATION
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Re: Docket No. FAA-2002-13918 -17

Dear Sir or Madam:

The Air Transport Association of America, Inc. (ATA) opposes the joint request submitted by the Airports Council International – North America (ACI-NA) and the American Association of Airport Executives (AAAE) to extend the comment period in this matter by 120 days. For the reasons set forth below, ATA urges the FAA to maintain the current comment period deadline.

To support its request, ACI-NA and AAAE claim that they need more time to consult with their members concerning the data submitted by airlines to the FAA. Remarkably, ACI-NA and AAAE also claim that the comment period is “inequitable.” As the NPRM makes clear, however, what is inequitable here is that for many years U.S. airlines have been under-compensated for mandatory PFC administrative costs that they have incurred. On the other hand, airports have been in the fortunate position of benefiting from the airlines’ predicament. Neither of the claims made by ACI-NA and AAAE supports an extension of any length. At a time when two major airlines are in Chapter 11 bankruptcy proceedings and the industry continues to hemorrhage cash, this surprising request to further delay this proceeding is inappropriate and should be denied.

Clearly, there is nothing inequitable about the comment period. As the NPRM explains, the issue of air carrier compensation for handling PFCs has been the subject of considerable public inquiry and debate for nearly ten years. ACI-NA and AAAE have participated in that debate and have had ample opportunity to express their views to the FAA at every stage of the FAA’s data-gathering activities. ACI-NA and AAAE have not claimed, nor could they claim, surprise that FAA has now proposed to revise air carrier compensation. For U.S. airports, there simply is nothing inequitable about this rulemaking process.

The suggestion by ACI-NA and AAAE that they need time to review air carrier submissions does not help their cause. As the NPRM notes, the methodology for the data gathering was

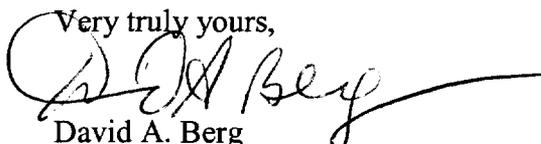
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based on recommendations and guidance from the DOT Office of Inspector General (OIG). Furthermore, after consulting with the OIG and independent auditors, the FAA established certain agreed upon procedures (AUPs) to ensure the accuracy and validity of the information submitted by air carriers. Consequently, the cost information is fundamentally reliable – the airport community is not in a position to improve the information provided by air carriers and, therefore, ACI-NA and AAAE do not need additional time to review air carrier submissions.

At the heart of the joint request is the desire to put off for as long as possible the day when airports lose the windfall they have been enjoying for several years – at least since 1999.¹ For example, one airport commenter has already noted that it *supports* the increased compensation amounts going forward, but opposes having the increased amounts apply to any PFCs collected but not yet remitted. See Comments of the Allegheny County Airport Authority, December 20, 2002 (FAA-2002-13918-16).

The airline industry's effort to bring about fair compensation for administering PFCs has a long and tortured history. The facts, the law, the equities, and the legislative history all support bringing this matter to a close. The FAA has exercised exhaustive care and caution to ensure that its decisions are based on valid, accurate information. As shown above, this particular rulemaking process will not benefit by further delay. On May 9, 2003, ACI-NA and AAAE will not be in a better position to comment on the NPRM than they will be on January 13, 2003.

ATA respectfully requests FAA to deny the request to extend the comment period.

Very truly yours,

David A. Berg
Assistant General Counsel

cc: Patricia A. Hahn, ACI-NA
Thomas E. Zoeller, AAAE

¹ As the NPRM demonstrates, airlines have not been fairly compensated for their role in handling PFCs since at least 1999, which was the cut-off date for data collected by the FAA.