

BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D. C.

Joint Application of :
 :
 :
 AMERICAN AIRLINES, INC. and :
 EXECUTIVE AIRLINES, INC., FLAGSHIP :
 AIRLINES, INC., SIMMONS AIRLINES, :
 INC., and WINGS WEST AIRLINES, INC. :
 (d/b/a AMERICAN EAGLE) :
 :
 and : OST-95-792
 CANADIAN AIRLINES INTERNATIONAL LTD. :
 and ONTARIO EXPRESS LTD. and TIME AIR :
 INC. (d/b/a CANADIAN REGIONAL) and :
 INTER-CANADIEN (1991) INC. :
 :
 :
 under 49 USC 41308 and 41309 for approval :
 of and antitrust immunity for commercial :
 alliance agreement :
 :

JOINT RESPONSE OF AMERICAN AIRLINES, INC. et al.
CANADIAN AIRLINES INTERNATIONAL LTD. et al.
TO ANSWER OF DELTA AIR LINES, INC.
AND MOTION FOR LEAVE TO FILE

American Airlines, Inc. and its regional affiliates,
and Canadian Airlines International Ltd. and its regional
affiliates, hereby jointly respond to the "answer" filed on
August 15, 1996 by Delta Air Lines, Inc. to the petition for
reconsideration of Order 96-7-21 filed on August 5, 1996 by
United Air Lines, Inc. American and Canadian jointly move for
leave to file this response to Delta, which should be accepted
in the interest of a complete record in this docket.

Delta's "answer" is procedurally deficient and should be dismissed. Under the Department's rules, 14 CFR 302.37, petitions for reconsideration of a final order are due within 20 days, which in this case was August 5, 1996. United petitioned for reconsideration on the due date, but Delta did not. On August 15, the due date for answers, Delta filed a pleading that cannot legitimately be deemed an answer to United, but is instead an untimely petition for reconsideration of Order 96-7-21. Delta states that it "takes no position on United's assertion that it is entitled to 'contemporaneous consideration' of its alliance with Air Canada" (p. 2). Delta then proceeds with what is in effect its own petition for reconsideration, disingenuously styled as an "answer" to United.

As provided in 14 CFR 302.39, within 10 days after a petition for reconsideration is filed, "any party to the proceeding may file an answer in support of or in opposition." By its own terms, Delta's "answer" neither supports nor opposes United's petition, but presents arguments that Delta was required to make in its own petition for reconsideration, had it chosen to submit one on a timely basis. In these circumstances, and in the interest of fairness to the parties and the integrity of the Department's rules, Delta's "answer" should be dismissed.

Respectfully submitted,

Kenneth J. Fredeen CAN

KENNETH J. FREDEEN
Associate General Counsel
Canadian Airlines
International Ltd.

Gary R. Doernhoefer CAN

GARY R. DOERNHOEFER
Senior Attorney
American Airlines, Inc.

Stephen P. Sibold CAN

STEPHEN P. SIBOLD
General Counsel
Canadian Airlines
International Ltd.

Carl B. Nelson Jr

CARL B. NELSON, JR.
Associate General Counsel
American Airlines, Inc.

August 22, 1996

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document by fax or first-class mail on the following persons:

Joel Stephen Burton
Ginsburg, Feldman & Bress
1250 Connecticut Ave., N.W.
Suite 700
Washington, D.C. 20036

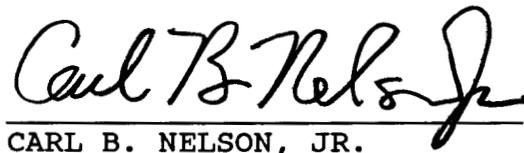
Morris R. Garfinkle
Anita M. Mosner
Galland, Kharasch, Morse
& Garfinkle, P.C.
1054 31st Street, N.W.
Washington, D.C. 20007

R. Bruce Keiner
Crowell & Moring
1001 Pennsylvania Ave., N.W.
Washington, D.C. 20004

Robert E. Cohn
Shaw, Pittman, Potts & Trowbridge
2300 N Street, N.W.
Washington, D.C. 20037

Megan Rae Poldy
Associate General Counsel
Northwest Airlines, Inc.
901 15th Street, N.W.
Suite 310
Washington, D.C. 20005

Richard J. Fahy, Jr.
1800 Diagonal Road
Suite 600
Alexandria, VA 22314


CARL B. NELSON, JR.

August 22, 1996

DONALD B. CASEY
Vice President - Capacity
Planning
Canadian Airlines
International Ltd.
Suite 2800
700 - 2nd Street S.W.
Calgary, Alberta, Canada
T2P 2W2

GREGG A. SARETSKY
Vice President -
Passenger Marketing
Canadian Airlines
International Ltd.
Suite 2800
700 - 2nd Street S.W.
Calgary, Alberta, Canada
T2P 2W2

KENNETH J. FREDEEN
Associate General Counsel
Canadian Airlines
International Ltd.
Suite 2800
700 - 2nd Street S.W.
Calgary, Alberta, Canada
T2P 2W2
(403) 294-2035

STEPHEN P. SIBOLD
General Counsel
Canadian Airlines
International Ltd.
Suite 2800
700 - 2nd Street S.W.
Calgary, Alberta, Canada
T2P 2W2
(403) 294-2035

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