



UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.

Order 2004-6-1

Issued by the Department of Transportation
on the **1st day of June, 2004**

Served: June 1, 2004

In the Matter of

AEROLINEAS ARGENTINAS, S.A.

under Section 41310(c)(2) International Air Transportation
Fair Competitive Practices Act, as amended

Docket OST-2003-15092

Order Granting Motion

Summary

By this Order, we grant the Motion of Aerolineas Argentinas, S.A. (Aerolineas) to change the date for filing the required escrow report with the Department and amend the terms and conditions for escrow payment to reflect the change.

Background

By Order 2003-11-26, the Department issued a final order in the above-referenced matter that specified filing requirements for Aerolineas documenting the deposit of funds into an established escrow account. Under that order, Aerolineas was to deposit into a Department-approved escrow account, on Mondays of each week, monies relating to airport charges for the week ending the preceding Sunday. The Department's order also required Aerolineas to submit weekly reports including supporting documentation no later than 5:00 p.m. local time on each Monday for the prior week. By Order 2004-1-15 the Department approved the Escrow Agreement as modified and in that order directed Aerolineas and the North Fork Bank to submit required documentation and to comply with the agreement and the Department's directive.

Motion

On May 5, 2004, Aerolineas filed a Motion to change the day for filing the escrow report from Monday to Wednesday of each week. In support of its motion, Aerolineas states that it makes weekly deposits at the bank on Monday but that the documentation for such transactions from the escrow bank is not usually available until a day or two thereafter, thus causing Aerolineas to file, serve on numerous parties, and place in the docket two weekly reports, one describing the deposits and one containing the documentation. In these circumstances, Aerolineas requests that the filing date requirement be changed from Monday to Wednesday of each week. Aerolineas

states that such procedure “will allow both the filing with the summary of the account details as well as the documentation supplied by the escrow bank to be made in one report and one filing.”¹

No answers were filed to the motion.

Decision

We will grant Aerolineas Argentinas’ motion. We find that allowing the carrier to change the day of filing will alleviate the necessity of the carrier’s presenting submissions on more than one day per week for the activities of the preceding week and is in the public interest. We will, therefore, amend the filing requirement as requested by Aerolineas Argentinas so as to allow summaries of its activities and accompanying documentation supporting the accuracy of its payments to the escrow account being filed no later than 5:00 p.m. local time on each Wednesday for the prior week with the U.S. Department of Transportation.

ACCORDINGLY,

1. We amend the fifth paragraph of the Terms and Conditions for Escrow Payment (appended to Order 2003-11-26) to read as follows (change noted in **bold face**):

Aerolineas Argentinas shall submit a summary in English of a day-to-day account of its U.S.-Argentina operations, payments it makes to Ezeiza, and payments it makes to the approved Escrow Account in the approved U.S. bank. Aerolineas Argentinas’s summary must also provide documentation supporting the accuracy of its payments to the Escrow Account. This summary must be submitted no later than 5:00 p.m. local time on each **Wednesday** for the prior week to the U.S. Department of Transportation, Office of International Aviation, so that verification can be made that the Argentine carrier is submitting funds consistent with the terms of this Appendix;² and

2. We will serve this order on American Airlines, Inc.; Federal Express Corporation; United Air Lines, Inc.; United Parcel Service Co.; Aerolineas Argentinas, S.A.; Air Plus Argentina, S.A.; Southern Winds, S.A., the Air Transport Association; the U.S. Department of State (Office of Aviation Negotiations); the Assistant U.S. Trade Representative (South America), Office of the

¹ Motion at 3.

² As noted in footnote 10 of Order 2004-1-15, the weekly summaries should be submitted to the Director, Office of International Aviation, X-40, 400 Seventh Street, SW, Washington DC 20590, should also be filed in Docket OST-2003-15092, and should be served on all parties to the proceeding.

U.S. Trade Representative; the U.S. Department of Commerce (Office of Service Industries);
and the Ambassador of Argentina in Washington, DC.

By:

KARAN K. BHATIA
Assistant Secretary for
Aviation and International Affairs

(SEAL)

An electronic version of this order is available on the World Wide Web at
http://dms.dot.gov//reports/reports_aviation.asp