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DEPT. OF TRANSPORTATION

BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.

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1998-JAPAN COMBINATION)
SERVICE PROCEEDING)
))
Application for Certificate of)
Public Convenience and)
Necessity of)
Hawaiian Airlines, Inc.)
Scheduled Passenger Service,)
Maui to Narita)
OGG-NRT)
(7 days a week))

DOCKET OST-98-3419

MOTION OF HAWAIIAN AIRLINES, INC. TO STRIKE
AMENDED APPLICATION OF TRANS WORLD AIRLINES, INC.

Communications with respect to this pleading should be addressed to:

Paul J. Casey
President & CEO
John Happ
Sr. V.P. Marketing
Hawaiian Airlines, Inc.
P.O. Box 30008
Honolulu, Hawaii 96820

Jonathan B. Hill, Esq.
Eric L. Tobias, Esq.
Dow, Lohnes & Albertson
1200 New Hampshire Ave., N.W.
Washington, DC 20036
202/776-2000

Counsel for
Hawaiian Airlines, Inc.

February 12, 1998

BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.

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MOTION OF HAWAIIAN AIRLINES, INC. TO STRIKE
AMENDED APPLICATION OF TRANS WORLD AIRLINES, INC.

Hawaiian Airlines, Inc. (hereinafter "Hawaiian") herewith files this Motion to Strike the Amended Application of Trans World Airlines, Inc. in the above-captioned proceeding. With the motion Trans World Airlines, Inc. (hereinafter "TWA") attempts to add a new application providing for a code-share with Delta Air Lines, Inc. The application requests twenty-eight (28) weekly code-share frequencies to conduct service with Delta over Portland, Osaka-Nagoya-Fukuoka route; and Los Angeles-Tokyo routes.

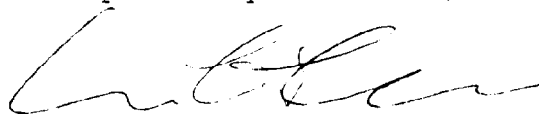
As the Department is aware, Hawaiian, following proper procedures, requested a Stay of the Procedural Dates on February 9, 1998, so that it and, presumably other carriers, would have adequate time to negotiate code-share arrangements. The difficulty of negotiating code-share arrangements for carriers without established relationships is manifest. It cannot be done in the six (6) business-day time frame that was established by

the Department of Transportation. Indeed, as the Petition for Stay and the Petition for Reconsideration filed by Hawaiian make plain, such a time frame discriminates openly against smaller carriers who do not have staff and such established relationships in place.

Hawaiian's Motion for Stay was rejected by the Department requiring that all applications be filed on or before February 10, 1998. Hawaiian was unable to continue its attempts to discuss code-sharing with a number of carriers.

The TWA application is in direct contravention of the Assistant Secretary's Order and, subject to a favorable ruling on Hawaiian's Petition for Reconsideration, TWA's amended application must be stricken. The granting of the relief requested by TWA would be manifestly arbitrary and unfair to all other applicants. If TWA is allowed to amend its application in this manner, Hawaiian will continue to negotiate code-share agreements with other potential participants and file its application when those negotiations are completed. At that time Hawaiian would expect its application to be accepted by the Department.

Respectfully submitted,



Jonathan B. Hill
Eric L. Tobias
Counsel for Hawaiian Airlines, Inc.

Dated: February 12, 1998