



**BEFORE THE  
DEPARTMENT OF TRANSPORTATION  
WASHINGTON, D.C.**

**March 10, 2000**

<b>U.S.-China Air Services (2001)</b>	}	<b>Docket OST-99-6323</b>
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**ANSWER OF DELTA AIR LINES, INC. TO  
MOTION OF FEDERAL EXPRESS CORPORATION**

Eight days after the due date for filing direct exhibits in this proceeding, United Parcel Service, Inc. ("UPS"), one of the applicants for U.S.-China Authority in this proceeding, filed an errata containing substantial substantive revisions, itemizing over 90 separate changes to UPS's direct testimony and exhibits, which includes changes to UPS's traffic forecast. In addition, seven days after the submission of direct exhibits, Northwest Airlines, Inc. ("Northwest") filed an errata covering eighteen pages of revised direct exhibits, which also included revisions to Northwest's traffic forecast.

Federal Express Corporation ("Federal Express") filed a motion requesting the Department to extend the dates for filing rebuttal exhibits and briefs by thirteen days to permit other applicants a reasonable opportunity to respond to the significant exhibit revisions filed by UPS and Northwest. Federal Express also filed a motion requesting that the Department compel UPS and Northwest to submit "redlined"

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versions of the changes by Monday, March 13, to permit the Department and the other parties the ability to understand the substantial changes that were made to UPS's and Northwest's original exhibits.

Delta Air Lines, Inc. ("Delta") supports Federal Express's request. Due process requires the Department to grant additional time to evaluate the substantial revisions submitted by UPS and Northwest. UPS's changes, in particular, go well beyond the bounds of standard Department practice with respect to the submission of errata. UPS's changes involve fundamental revisions to correct significant mistakes that were rampant throughout UPS's voluminous direct exhibit presentation.

In addition, Delta did not receive timely service of UPS's direct exhibits on the due date established by the Department in the Instituting Order. Delta's counsel did not receive its copy of UPS's exhibits until the close of business on the day after direct exhibits were due. The copy of UPS's exhibits that were sent by UPS to Delta personnel in Atlanta were also not timely received and eventually were resent via Federal Express two days late.

Given the magnitude of the changes, and the substantial delay in the filing of revised exhibits, the failure to grant the short additional time requested by Federal Express and supported by Delta would be highly prejudicial to Delta's rights to have

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a fair and adequate opportunity to evaluate and rebut UPS's and Northwest's direct exhibits.

Delta also supports Federal Express's request to require UPS and Northwest to submit "redlined" versions of the revised exhibits in order to afford the Department's staff and other parties the ability to comprehend the full scope of the massive changes made, particularly by UPS, to its exhibits.<sup>1</sup> The Department's staff and the other parties should not be burdened with the requirement to perform their own word-by-word, line-by-line comparisons of UPS's and Northwest's revised exhibits against the original submissions. UPS and Northwest should be required to do so.

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<sup>1</sup> In its Motion, Federal Express refers to a handwritten red-lined version of corrected testimony that was provided by UPS to Federal Express. To date, Delta has not been served with any red-lined version of UPS's corrected testimony, and respectfully requests that the Department compel UPS to serve any corrections on all parties.

WHEREFORE, Delta supports Federal Express's motion for additional time  
and to compel.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing Answer of Delta Air Lines, Inc. to Motion of Federal Express Corporation, on those persons listed on the attached service list, by U.S. mail, postage prepaid, this 10th day of March, 2000.

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Document #: 903194 v.1