

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

Application of	)	
	)	
DELTA AIR LINES, INC.	)	Docket OST-00-7433
	)	
for allocation of U.S. – France frequencies	)	
(New York (JFK) – Paris (CDG))	)	
	)	

**MOTION TO FILE LATE**

Communications with respect to this application should be sent to:

John E. Gillick  
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Counsel for Charles A. Stanziale, Jr.,  
Chapter 11 Trustee for Tower Air, Inc.

June 13, 2000

**BEFORE THE  
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WASHINGTON, D.C.**

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**MOTION TO FILE LATE**

Charles A. Stanziale, Jr., Chapter 11 Trustee for Tower Air, Inc., hereby files a motion to file late the attached answer of Charles A. Stanziale, Jr., Chapter 11 Trustee for Tower Air, Inc. This pleading was filed on Monday, June 12, 2000, but inadvertently contained an incorrect docket number.

Grant of this motion and acceptance of the attached answer will not cause any undue delays and will provide the Department with a more complete record for it to make a decision in this proceeding.

WHEREFORE, Charles A. Stanziale, Jr., Chapter 11 Trustee for Tower Air, Inc., requests that the Department grant its motion to file late and answer in this docket.

Respectfully submitted,

/s/John E. Gillick  
John E. Gillick

/s/Joshua I. Romanow  
Joshua I. Romanow

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**ANSWER OF CHARLES A. STANZIALE, JR.,  
CHAPTER 11 TRUSTEE FOR TOWER AIR, INC.**

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**ANSWER OF CHARLES A. STANZIALE, JR.,  
CHAPTER 11 TRUSTEE FOR TOWER AIR, INC.**

On May 26, 2000, Delta Air Lines, Inc. (“Delta”) filed an application for an allocation of seven (7) scheduled combination service frequencies to operate a second daily non-stop flight between New York (JFK) and Paris (CDG) beginning on October 29, 2000. Charles A. Stanziale, Jr., the Chapter 11 Trustee for Tower Air, Inc. (“Trustee” or “Tower”), hereby answers the Delta application, and urges that the Department, for the reasons stated herein, not take action on the Delta application until after July 15, 2000 in order to permit the newly-appointed Trustee to make a decision with respect to Tower’s New York-Paris authority and related frequencies. In support thereof, the Trustee shows as follows:

1. On February 29, 2000, Tower filed a petition seeking relief under the provisions of Chapter 11 of the bankruptcy laws as a debtor-in-possession. Tower continued operating as a debtor-in-possession until May 5, 2000, when the Bankruptcy Court appointed Charles A. Stanziale, Jr. as the Chapter 11 Trustee for Tower.

2. Since his appointment, the Trustee has been reviewing Tower’s historic operations for the purpose of developing a business plan for Tower on a going forward basis. One of

the markets that the Trustee is evaluating is the New York-Paris market, a market that Tower has served for many years. The trustee has also received, as part of the bankruptcy process, offers for several of Tower's assets and routes, including the New York-Paris market.

3. In order that the Trustee has sufficient time to evaluate Tower's New York-Paris service and the associated frequencies, the Trustee requests that the Department delay any decision on Delta's request until after July 15, 2000. By proceeding in this manner, the newly-appointed Trustee will be able to make a considered judgment with respect to Tower's New York-Paris authority and a date will be established that will permit this authority to be reallocated if Tower's authority is not to be used on a going forward basis.

4. Delta does not seek to commence to its proposed second daily New York-Paris flights until October 29, 2000 -- almost five months from now. The authority requested by Delta is for additional service in an existing Delta market, not new service. Given its ongoing operations in this market, Delta is not likely to need an extensive ramp up period in order to add a second daily frequency in this market. The public interest would not be served by requiring the Department to make a hasty decision in connection with this important market prior to the completion of the Trustee's evaluation of Tower's operations and the development of a business plan for Tower.<sup>1</sup> If the Department decides to grant the delay requested by the Trustee, and, if Delta is ultimately awarded this authority after July 15, 2000, there will be more than sufficient time for Delta to market its services prior to initiation.

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<sup>1</sup> A similar application has been filed by United Air Lines, Inc. for seven weekly frequencies beginning in April, 2001. (See Docket Nos. 95-535 and 00-7384), and American has indicated that it will also be seeking to operate additional U.S.-France frequencies. The Trustee has asked the Department to defer any action on United's application until July 15, 2000 as well.

WHEREFORE, for the foregoing reasons, Charles A. Stanziale, Jr., the Chapter 11 Trustee for Tower Air, Inc., respectfully requests that the Department take no action with respect to the request of Delta Air Lines, Inc. for an allocation of seven weekly New York-Paris scheduled combination flights until after July 15, 2000, to permit the Trustee to make a decision with respect to Tower's New York-Paris authority and related frequencies.

Respectfully submitted,

/s/John E. Gillick

John E. Gillick

/s/Joshua I. Romanow

Joshua I. Romanow

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Counsel for Charles A. Stanziale, Jr.  
Chapter 11 Trustee for Tower Air, Inc.

June 13, 2000

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a copy of the foregoing motion and answer upon those persons set forth on the attached Service List by first-class mail, postage pre-paid.

/s/John E. Gillick

John E. Gillick

Washington, D.C.  
June 13, 2000

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