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BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D. C.

DEPT. OF TRANSPORTATION
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1998 U.S. - Japan Combination Service
Proceeding

Docket OST 98-3419

**MOTION OF TRANS WORLD AIRLINES, INC.
TO DISMISS APPLICATION OF
US AIRWAYS, INC.**

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February 12, 1998

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TWA hereby moves that the Department dismiss the Application, dated February 10, 1998, by US Airways for Philadelphia - Tokyo service and for authority to code share with American and United on Dallas/Ft. Worth - Tokyo, Dallas/Ft. Worth - Osaka, Los Angeles - Tokyo, and San Francisco - Tokyo routes. US Airways has blatantly disregarded the instructions of the Department in its Notice, dated February 3, 1998 with respect to the supporting information that must be included with applications for Japan authority. Since these requirements were not procedural niceties, but important substantive information needed by the Department to assess the merits of each proposal, US Airways' application should be dismissed. In support of its motion, TWA states as follows:

1. The Department's Notice was explicit about the information that had to be submitted in support of applications for both direct service and code share authority. This included the city pairs, aircraft type and configuration, startup date, and the priorities that each carrier assigned to the routes for which it applied (Notice, p.4).

2. US Airways has failed to comply with three major elements of the Department's Evidence Requests:

- ▶ It has failed to specify a startup date for its Philadelphia - Tokyo route. Rather, it talks vaguely about startup "on or before January 1, 2000" (p. 2).
- ▶ It has failed to describe the aircraft and configuration it proposes to operate. Rather, it says that it will use "wide-bodied aircraft configured for 240-400 seats" (p. 9).
- ▶ Although it is proposing to code share on four separate routes with two different carriers, it has failed to set forth its priorities for allocation of code share frequencies.

3. The failure to provide this information was not an inadvertent omission. US Airways clearly desires the fourth designation only so that it can code share with

American and United. It has no definite plans for its own service and does not even have an aircraft identified for the route. It undoubtedly recognized that setting priorities for code share service would antagonize either American or United (or both). US Airways should not be allowed to play so fast and loose with the Department's processes.

Wherefore, TWA respectfully requests that US Airways' application be dismissed. In the alternative, US Airways should be considered only for the fifth designation, which is available only one day after the last date of possible service under its proposal.

Respectfully Submitted,



Richard J. Fahy, Jr.
Attorney for
Trans World Airlines

February 12, 1998