

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

Application of

ELYSAIR SAS d/b/a ELYSAIR

pursuant to 49 U.S.C. § 41302
for a foreign air carrier permit
(U.S.-France)

Docket OST-2006-25616

Application of

ELYSAIR SAS d/b/a ELYSAIR

pursuant to 49 U.S.C. § 40109
for an exemption (U.S.-France)

Docket OST-2006-25617

**ANSWER OF ELYSAIR SAS d/b/a ELYSAIR TO
MOTION OF UNITED AIR LINES, INC AND CONTINGENT MOTION OF ELYSAIR FOR
LEAVE TO FILE AN OTHERWISE UNAUTHORIZED RESPONSE TO UNITED**

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September 19, 2006

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Pursuant to Rule 11(c) of the Department's Rules of Practice (14 CFR §302.11(c)), Elysair SAS d/b/a Elysair ("Elysair") requests the Department to deny the September 8, 2006, Motion for Leave to File by United Air Lines, Inc. ("United").

United asserts that it is requesting leave to file a "reply relating to the...applications of Elysair and the responses to those applications." That statement is accurate in that United's submission purports to answer Elysair's applications. However, United's submission at best only superficially "replies" to the answers filed by American and Continental. As acknowledged by United, it more accurately relates to the applications filed by Elysair on August 11, 2006.

Answers to Elysair's application for exemption authority in Docket OST-06-25617 were

due August 28, 2006, and answers to Elysair's application for permit authority in Docket OST-06-25616 were due September 1, 2006.

Accordingly, United's response was not one day late. It was either seven or eleven days late. United has failed to demonstrate good cause for granting even a one-day extension, much less for the more accurate seven-day delay in responding to Elysair's application in Docket OST-06-25616 or the eleven-day delay in responding to Elysair's application in Docket OST-06-25617. Accordingly, its motion should be denied.

To the extent the Department nonetheless decides to accept United's "Reply", Elysair requests leave to file the following response in the interest of ensuring a complete record in this proceeding.

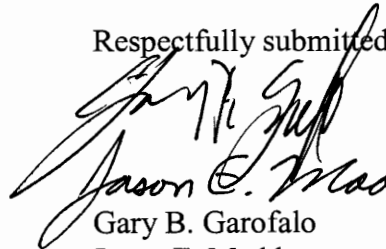
United inexplicably asserts that the current situation at Orly "is hardly relevant given the previous actions by France." It apparently believes that Elysair's applications should be evaluated by reference to circumstances that are more than six years old and which no longer apply. The DGAC has provided written assurances that U.S. carriers currently enjoy equal access to Orly.¹ United would have the Department ignore those assurances as well as the subsequent 2001 Open Skies agreement between the United States and France. It would prefer to resuscitate a years-old dispute by prohibiting Elysair from operating to the United States from Orly (as requested by Continental) and/or by subjecting Elysair's authority to serve Orly to the now demonstrably unnecessary condition that U.S. carriers receive equal treatment (as requested by American before the DGAC explicitly confirmed that U.S. carriers already receive equal treatment).

The assurances provided by the DGAC demonstrate that the Government of France

¹ Those assurances distinguish Elysair's applications from the situation at Milan's Linate airport referenced by United.

accepts and acknowledges its obligations pursuant to the 2001 Open Skies agreement. U.S. obligations pursuant to that agreement require grant of the applications filed by Elysair in Dockets OST-06-25616 and OST-06-25617 without unwarranted conditions and without further delay.

Respectfully submitted,



Handwritten signature of Gary B. Garofalo in cursive script.

Gary B. Garofalo

Jason E. Maddux

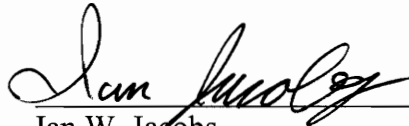
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September 19, 2006

CERTIFICATE OF SERVICE

I hereby certify that I have on this 19th day of September 2006, served a copy of the foregoing document via email or first class mail upon the following persons:



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