

BEFORE THE  
DEPARTMENT OF TRANSPORTATION  
WASHINGTON, D.C.

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Application of :  
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 :  
 VIRGIN AMERICA INC. : Docket OST-2005-23307  
 :  
 for a Certificate of Public Convenience and Necessity :  
 under 49 U.S.C. § 41102 to engage in interstate :  
 scheduled air transportation :  
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ANSWER OF  
CONTINENTAL AIRLINES, INC.  
IN SUPPORT OF JOINT MOTION

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Counsel for  
Continental Airlines, Inc.

January 23, 2007

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For the reasons stated in the joint motion of American,<sup>1</sup> Delta and US Airways, submitted on January 19, 2007 (“Joint Motion”), the Department should suspend further proceedings in this docket until Virgin America produces the amendments, new agreements and other documents relied upon in its January 17, 2007 response to Order 2006-12-23. (“January 17 Submission”) After those documents are produced and the Department deems the record complete, interested parties should have at least 21 days to answer Virgin America’s “new application and objections to the show-cause order,” as American, Delta and US Airways recommend. (Joint Motion at 1)

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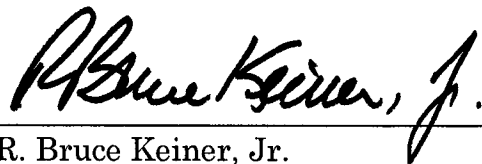
<sup>1</sup> Common names of carriers are used.

Virgin America's January 17 Submission omits 14 agreements and other documents relied upon by Virgin America to circumvent the Department's tentative conclusion that Virgin America fails the U.S. citizenship test in 49 U.S.C. § 40102(a)(15). These missing documents are "only summarily described and characterized" in Virgin America's January 17 Submission, and no texts are provided. (Joint Motion at 3) Well-settled Department precedent and due process dictate that Virgin America be required to complete the record and that interested parties have a meaningful opportunity to analyze the purported documents before answering Virgin America's January 17 Submission.

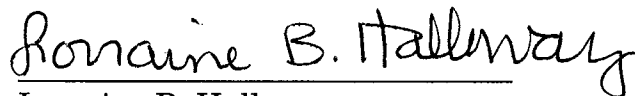
Accordingly, Continental urges the Department to grant the Joint Motion.

Respectfully submitted,

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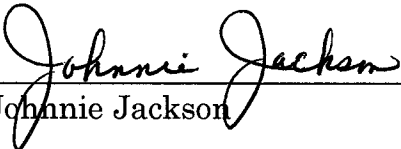
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January 23, 2007

CERTIFICATE OF SERVICE

I certify that I have this date served the foregoing document on counsel for Virgin America and all parties in accordance with the Department's Rules of Practice.

  
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Johnnie Jackson

January 23, 2007  
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