

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

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|-------------------------------------|---|----------------|
| Application of | : | |
| | : | |
| SPIRIT AIRLINES, INC. | : | OST-2007-28057 |
| | : | |
| for an exemption under 49 USC 40109 | : | |
| (U.S.-Colombia) | : | |

**MOTION FOR LEAVE TO FILE AND
RESPONSE OF AMERICAN AIRLINES, INC.**

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May 31, 2007

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American Airlines, Inc. hereby moves for leave to file the following response to the pleading submitted in this docket by Delta Air Lines, Inc. on May 17, 2007. American's response should be accepted in the interest of a complete record for the Department's consideration.

Apparently recognizing that its bid for confiscation of 14 of American's U.S.-Colombia frequencies is a non-starter in light of American's firm plans to use them for new service to Barranquilla and additional flights to Bogota and Medellin,¹ Delta has made a fall-back argument.

¹American conclusively showed in its reply of May 15, 2007 that the efforts by Spirit Airlines, Inc. and Delta to confiscate American's frequencies are entirely without merit. We will not repeat that showing here, other than to state that American is firmly committed to the December 13 date for new and additional U.S.-Colombia service that we publicly announced on May 15.

According to Delta, the Department should retroactively impose a 90-day dormancy condition on the 35 U.S.-Colombia grandfather frequencies American obtained as a result of the American-Eastern Route Transfer Case, Order 90-5-5, May 3, 1990. Delta does not cite any precedent for such an extraordinary proposal, but merely asserts that the Department should take such action.

A host of grandfather frequencies and other limited-entry authorizations are currently held by U.S. carriers not only for service to Colombia, but to countries throughout the world, including Greece (Delta), Russia (Delta), Argentina (United and American), Brazil (United and American), Ecuador (American), Japan (United and Northwest), China (United and Northwest), and the Philippines (United and Northwest).

There is no principled basis for the Department to single out Colombia and retroactively place a 90-day dormancy condition on American's grandfather frequencies. If the Department were to consider such an action, it could only legitimately do so in an omnibus proceeding which places in issue all grandfather frequencies and other limited-entry authorizations held by all U.S. carriers (including Delta). To do otherwise be discriminatory and contrary to fundamental concepts of fairness. Delta's request should be denied.

Respectfully submitted,

A handwritten signature in black ink that reads "Carl B. Nelson, Jr." in a cursive style.

CARL B. NELSON, JR.
Associate General Counsel
American Airlines, Inc.

May 31, 2007

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document by email on the following persons:

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May 31, 2007