

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

2007/2008 U.S.-Colombia Combination)
Frequency Allocation Proceeding)

) Docket DOT-OST-2007-0006
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ANSWER OF JETBLUE AIRWAYS CORPORATION

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December 6, 2007

BEFORE THE
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Pursuant to the Instituting Order issued by the Department of Transportation (“DOT”), Order 2007-11-23, served November 26, 2007 (the “Order”), JetBlue Airways Corporation (“JetBlue”) respectfully submits this Answer in opposition to the Petition for Reconsideration filed by American Airlines, Inc. (“American”) regarding the use of seven (7) long-dormant U.S.-Colombia frequencies.

The Department’s decision to include American’s seven unused U.S.-Colombia frequencies in a comparative selection proceeding with other U.S.-Colombia frequencies is fair and should not be reconsidered. American’s attempt to reallocate these frequencies on its own is contrary to DOT Order 2007-8-28, and the Department properly included those frequencies with the newly available frequencies under the 2007 Understanding between the United States and Colombia. American dominates the U.S.-Colombia market, and has the highest number of U.S.-Colombia frequencies of any U.S. carrier, of which 14 have been unused for several years. The Department, in Order 2007-8-28, conditioned American’s ability to retain these seven frequencies upon its actual operation of its proposed U.S.-Colombia service to Barranquilla, and the Department’s decision to

include those seven frequencies in a comparative selection proceeding with other U.S.-Colombia frequencies is fair to all interested U.S. carriers, including American.

American is free to seek the reallocation of these seven frequencies to itself, and the comparative selection proceeding instituted by the Department places American on equal footing with all other interested carriers. To be awarded these seven frequencies, American must demonstrate that its proposed service would benefit the public interest more than other interested carriers. This is the same requirement for other interested U.S. carriers. Indeed, as the Department noted in its Order, “American will be free to argue that its proposed use for these frequencies would represent the best public interest outcome.” Order at 3. The Department recognized the interest of other U.S. carriers in serving the U.S.-Colombia market, and its Order appropriately balances the interests of all carriers, including American, in providing such service by requiring that all carriers compete on equal terms. *Id.* (“Nothing in our decision shall be construed to prevent American from competing for the allocation of these seven frequencies.”). American should not be afforded special treatment merely because it previously held these seven frequencies.

As the Department stated in its Order, “[o]ur principal objective will be to maximize public benefits that will result from award of the authority in this case.” *Id.* This objective is best met by including American’s seven frequencies in a proceeding involving all carriers, which the Department has properly instituted. Such a proceeding permits the Department to consider the interests of all carriers in making an informed allocation decision, and the Department’s Order should be not be reconsidered.

Accordingly, American's petition for reconsideration should be denied.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jonathan B. Hill". The signature is written in a cursive style and is positioned above a horizontal line.

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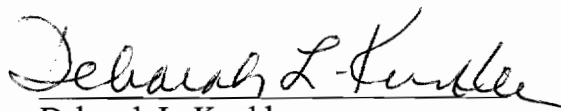
Counsel for JetBlue Airways Corporation

December 6, 2007

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answer of JetBlue Airways Corporation was served this 6th day of December, 2007 via email transmission on the following persons:

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