

Steven Barry

Miami Shores, FL

I understand that items submitted to the DOT are not always read by the Department of Transportation or anyone else, but hopefully some airline's lawyers read this so they can catch light of the manipulation and trickery that Continental Airlines is currently proceeding with in an attempt to unjustly gain seven weekly frequencies in the Houston-Bogotá market, which has little demand and does virtually nothing to serve the majority of the flying public.

American Airlines rightly asserts that if their frequencies, which are not bound to be flown to a specific route, are to be taken away in what appears to be a "punishment" for previously using frequencies seasonally (even though they have clearly shown that will no longer be the case as of this past December 13, 2007), the Department of Transportation refuses to remove Continental's four unused frequencies which are used for only two months of the year. For a market in which many new entrants are willing to enter and provide new service, in the matter of fairness, these frequencies must be removed from Continental Airlines on April 1, 2008 and put into the open

pool for other carriers. Of course, in Continental's original proposal to the Department of Transportation, they manipulatively used their August schedules, one of the two months of the year in which they use all their U.S.-Colombia frequencies, most likely in hope that other airlines would not catch what Continental is doing.

Continental Airlines argues that they do not have the "freedom" to switch these frequencies out of Cali. That is blatantly false. First of all, the route authority allows them to interchange the Houston-Cali frequencies with Houston-Medellin frequencies (See Order 2005-20150, in which the route authority is clearly flexible between Cali and Medellin). And secondly, the Department of Transportation has shown precedent to allow airlines to amend route authorities if it was to serve the public's benefits (See Order 2004-19161, in which Delta was able to switch Atlanta-Rio de Janeiro route authority to Atlanta-Sao Paulo, in serving the public's best interest).

Continental Airlines ignores these issues because they realize that bringing up the issue is circular. If they were to argue that they should keep their frequencies, than on the merits of such a claim, they could not be able to

argue that American Airlines' frequencies should be removed from their rightful possession.

The Department of Transportation also has entirely ignored, in this case, United Airlines "committed" to using seven USA-Brazil frequencies request by Delta Airlines to be used on Washington Dulles-Sao Paulo. They started the service, as planned and as stipulated by DOT. However, they have since moved the service to a Washington-Rio de Janeiro flight. Why is it okay for the Department of Transportation to set such double standards? (See Order 1999-6284-0224).

In addition, many airlines assert that new U.S.-Colombia service should not be rewarded into the South Florida-Colombia market because it so "crowded." However, the fact remains that it is the largest market and the one most in need of new service and new frequencies, and account for nearly half of USA-Colombia traffic. In addition, Miami in particular acts as a major connecting hub between Latin America and the U.S. and offers significant connecting opportunities throughout the country to the greatest benefit of the traveling public, because the service offers the perfect balance of serving a large local market and offering a significant amount of

connections.

In sum:

The Department of Transportation's decision to remove American Airlines' of seven frequencies should be reversed.

Continental Airlines' application for seven frequencies on Houston-Bogotá should be withdrawn by DOT for contention effective immediately.

Delta Airlines application for three frequencies on Atlanta-Cali should be denied.

Delta Airlines application for four frequencies on Atlanta-Medellin should be denied.

Delta Airlines application for seven frequencies on New York City-Bogotá should be approved.

JetBlue's application for seven frequencies for Fort Lauderdale-Bogotá should be approved.

JetBlue's application for seven frequencies for Orlando-Bogotá should be denied.

Spirit Airlines' application for fourteen frequencies for Fort Lauderdale-Bogotá should be denied.

Spirit Airlines application for seven frequencies for Fort

Lauderdale-Medellin should be approved; the other seven should be denied.

US Airways application for seven frequencies on Charlotte-Bogotá should be denied.