

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

2007/2008 U.S.-COLOMBIA COMBINATION : DOT-OST-2007-
FREQUENCY ALLOCATION PROCEEDING : 0006

**MOTION OF AMERICAN AIRLINES, INC.
TO UPDATE RESPONSE TO EVIDENCE REQUEST**

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February 22, 2008

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DEPARTMENT OF TRANSPORTATION
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2007/2008 U.S.-COLOMBIA COMBINATION : DOT-OST-2007-
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MOTION OF AMERICAN AIRLINES, INC.
TO UPDATE RESPONSE TO EVIDENCE REQUEST

American Airlines, Inc. hereby moves for leave to update its response of December 6, 2007 to the evidence request appended to instituting Order 2007-11-23, November 26, 2007.

The instituting order contemplated that a final decision in this proceeding would be reached prior to April 1, thus affording "ample opportunity" for American "to scale down operations to frequency-limited points and to rebook passengers, in the event that these frequencies are allocated to a different carrier" (p. 3). In light of the expected decision date, the order required that "[i]f American wishes to market and sell services using these frequencies beyond April 1, 2008, it must do so subject to government approval" (id.).

Given the fact that it is now late February and a show-cause order has not yet been issued, American has reluctantly determined that it can no longer assume the risk of re-allocation of its seven frequencies by continuing to operate those frequencies beyond April 7, 2008. Accordingly, as of that date, American is suspending operation of the seven frequencies at issue, and will restore their use within 90 days of a final order in American's favor.

After the suspension, American's service pattern between the U.S. and Colombia will be as follows:

Miami-Bogota	14 weekly frequencies (7 less than American now operates using the disputed frequencies)
Miami-Medellin	14 weekly frequencies (unchanged)
Miami-Cali	7 weekly frequencies (unchanged)
<u>TOTAL</u>	<u>35</u>

Miami-Barranquilla	7 weekly frequencies unchanged; no allocation required since BAQ is an open skies city)
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If the Department's final order returns the seven contested frequencies to American, we will use them to restore our third daily flight between Miami and Bogota, subject to a standard 90-day start-up condition.

The delay in resolving this case has led American to suspend operation of the seven disputed frequencies based on the following considerations:

- In the event these frequencies are re-allocated to another carrier, none of the replacement service would be in the Miami-Bogota market, and thus the successor carrier would not be able to accommodate passengers booked on American, resulting in inconvenience and hardship to the traveling public. Moreover, American itself may not be able to re-accommodate all of these passengers on its remaining flights, similarly resulting in inconvenience and hardship for travelers in both the local market and in numerous connecting markets via the Miami hub.

- As noted above, the instituting order required American to tag its schedules using the seven contested frequencies as being "subject to government approval" for service beyond April 1. This has adversely affected our post-April 1 bookings. As that date fast approaches without a decision in this case, we can no longer accept the marketing penalty that the required tag has imposed.

- April is the start of the peak summer travel period, and seasonal schedules are now being finalized by all carriers, including American. If the Department were to expropriate our seven frequencies, that would disrupt our capacity planning process and drive significant costs to re-

schedule crews and equipment to other markets, as well as penalize revenues due to a lack of lead time for advance bookings on replacement flights. That is a risk that American is unwilling to continue to assume so close to the beginning of the peak season.

We strongly believe that the Department should conclude this proceeding by returning American's seven contested frequencies, for all the reasons stated in our prior pleadings in this docket and in DOT-OST-2007-28057. If the Department does so, we will resume their use by reinstating our third daily Miami-Bogota flight.

We will accept the standard 90-day start-up and dormancy conditions that pertain to all of the applicants in this proceeding. By temporarily suspending service, we are placing ourselves in a position similar to that enjoyed by the other parties, none of which faces the potential that existing operations will have to be summarily canceled at the onset of the peak season if the Department rules against them.

Respectfully submitted,



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Associate General Counsel
American Airlines, Inc.

February 22, 2008

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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