

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

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In the matter of	:	
	:	
PETITION FOR EMERGENCY	:	Docket No. OST-2000-7797
RULEMAKING OF THE AVIATION	:	
CONSUMER ACTION PROJECT	:	
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**PETITION TO FILE
AN OTHERWISE UNAUTHORIZED DOCUMENT**

The Air Transport Association of America, Inc. (“ATA”) is filing with this document an answer to the August 11th petition of the Aviation Consumer Action Project (“ACAP”) to institute an emergency rulemaking proceeding. The Department’s regulations are not entirely clear about the submission of answers to petitions for rulemaking¹. Consequently, we are submitting this petition.

The ACAP petition raises important public policy issues that require a response before any consideration of its request to initiate a rulemaking proceeding is completed. ATA’s answer provides another perspective on those issues and the regulatory action that ACAP proposes.

For those reasons, we respectfully request that the Department accept the accompanying ATA answer.

¹ 14 C.F.R. §302.6(d) establishes a general rule requiring the submission of responsive pleadings within seven days of their service. The petition for rulemaking to which the ATA answer responds was filed with the Department but evidently was not served on any person, thus making the applicability of section 302.6(d) unclear.

Respectfully submitted,

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October 3, 2000

Certificate of Service

I certify that a copy of this petition was sent today by first-class mail to:

Mr. Paul Hudson
Executive Director
Aviation Consumer Action Project
Suite 1265
529 14th St., NW
Washington, DC 20036

James L. Casey

Verification

Pursuant to section 1001 of title 18 of the United States Code, I, James L. Casey, in my individual capacity and as the authorized representative of the pleader, have not in any manner knowingly and willfully falsified, concealed or failed to disclose any material fact or made any false, fictitious, or fraudulent statement or knowingly used any documents which contain such statements in connection with the preparation, filing or prosecution of the pleading. I understand that an individual who is found to have violated the provisions of 18 U.S.C. section 1001 shall be fined or imprisoned not more than five years or both.

James L. Casey