

BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.

1999 U.S.-BRAZIL COMBINATION
SERVICE CASE

:
:
:
:

Docket OST-99-6284

CONTINGENT OBJECTION OF
CONTINENTAL AIRLINES, INC.
TO ORDER 2000-10-6

Communications with respect to this document should be sent to:

Rebecca G. Cox
Vice President, Government Affairs
CONTINENTAL AIRLINES, INC.
1350 I Street, N.W.
Washington, DC 20005-3389

Hershel I. Kamen
Staff Vice President, International
and Regulatory Affairs
CONTINENTAL AIRLINES, INC.
P.O. Box 4607 – HQSGV
Houston, TX 77210-4607

R. Bruce Keiner, Jr.
Lorraine B. Halloway
Thomas Newton Bolling
CROWELL & MORING LLP
1001 Pennsylvania Avenue, N.W.
Washington, DC 20004-2595
(202) 624-2500

Counsel for
Continental Airlines, Inc.

October 16, 2000

BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.

1999 U.S.-BRAZIL COMBINATION
SERVICE CASE

:
:
:
:

Docket OST-99-6284

CONTINGENT OBJECTION OF
CONTINENTAL AIRLINES, INC.
TO ORDER 2000-10-6

Continental¹ has no objection to the Department's show-cause order in this proceeding so long as Continental's application in Docket OST-00-8081 to move three U.S.- Brazil frequencies is granted. If the Department does not grant Continental's application to move three frequencies from the New York/Newark-Rio de Janeiro route to the Houston-Sao Paulo route, however, Continental objects to the show-cause order's proposal to award three frequencies to Delta for Atlanta-Rio de Janeiro service rather than to Continental for Houston-Sao Paulo service. To compete effectively for U.S.-Brazil traffic and offer truly competitive service between the western United States and Sao Paulo, Continental must have the ability to offer daily Houston-Sao Paulo service.

¹ Common names are used for airlines.

October 16, 2000

As Order 2000-10-6 itself recognizes, "the Houston community deserves the opportunity for daily nonstop service to Sao Paulo," and Continental has proposed to offer such service by moving three frequencies from the New York/Newark-Rio de Janeiro route to the Houston-Sao Paulo route and adjusting its schedules to provide daily online New York/Newark-Rio de Janeiro service and daily nonstop Houston-Sao Paulo service. For the reasons explained in Continental's application in Docket OST-00-8081, Continental should be permitted to move three frequencies so it can offer daily nonstop Houston-Sao Paulo service. So long as that application is granted, Continental does not object to confirmation of the Department's tentative decision in Order 2000-10-6.

If the Department does not grant Continental's request to move three frequencies, the only other way Continental could operate daily Houston-Sao Paulo service is through the award of the three frequencies tentatively awarded to Delta for Atlanta-Rio de Janeiro service. In the interest of expediting the Department's decision on Brazil issues, Continental is not objecting to that award so long as Continental's own application to move three frequencies is granted.

For the foregoing reasons, the Department should approve Continental's application in Docket OST-00-8081 to move U.S.-Brazil frequencies immediately or

reverse its tentative decision to award three frequencies to Delta for Atlanta-Rio de Janeiro service and award those frequencies instead to Continental for Houston-Sao Paulo service.

Respectfully submitted,

CROWELL & MORING LLP

/s/ R. Bruce Keiner, Jr.

R. Bruce Keiner, Jr.
rbkeiner@cromor.com

/s/ Lorraine B. Halloway

Lorraine B. Halloway
lhalloway@cromor.com

/s/ Thomas Newton Bolling

Thomas Newton Bolling
tbolling@cromor.com

Counsel for
Continental Airlines, Inc.

October 16, 2000

1755347

CERTIFICATE OF SERVICE

I certify that I have this date served the foregoing document on all parties served with Order 2000-10-6 in accordance with the Department's Rules of Practice:

Nathaniel Breed
Shaw Pittman
2300 N Street, N.W.
Washington, DC 20037
(for Georgia and Atlanta Parties)

Carl B. Nelson, Jr.
American Airlines, Inc.
Suite 600
1101 17th Street, N.W.
Washington, DC 20036

Rachel B. Trinder
Zuckert, Scoutt & Rasenberger, L.L.P.
888 17th Street, N.W.
Suite 600
Washington, DC 20006-3939
(for Houston)

Robert Cohn
Alexander Van der Bellen
Shaw Pittman
2300 N Street, N.W.
Washington, DC 20037
(for Delta)

Barney Parrella
GKMG Consulting Services, Inc.
1054 Thirty-First Street, N.W.
Washington, DC 20007-4492
(for Los Angeles)

Jeffrey A. Manley
Wilmer, Cutler & Pickering
2445 M Street, N.W.
Washington, DC 20037-1420
(for United)

Chip Hallock, President
Regional Business Partnership
(Newark)
National Newark Building
744 Broad Street, 26th Floor
Newark, NJ 07102-3802

/s/ Jonathan T. Linde

Jonathan T. Linde

October 16, 2000