

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

DEPT. OF TRANSPORTATION
DOCKETS

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In the matter of final rules concerning	:
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DISCLOSURE OF CODE-SHARING	:
ARRANGEMENTS AND LONG-TERM	:
WET LEASES (14 CFR Part 257)	:
	:
And	:
	:
DISCLOSURE OF CHANGE-OF-GAUGE	:
SERVICES (14 CFR Part 258)	:
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Dockets OST-95-177,
OST-95-179, and
OST-95-623

COMMENTS OF THE
AIR TRANSPORT ASSOCIATION OF AMERICA, INC.

The Air Transport Association of America, Inc. submits these comments in response to the Department of Transportation's tentative conclusion that the effective dates of its code-share and long-term wet lease, and change-of-gauge consumer notice rules should be extended. 64 Fed. Reg. 38111 (July 15, 1999). We support those tentative conclusions and urge that the rules' effective dates be accordingly modified.

The Department, in response to requests from several interested parties, including ATA, has (1) postponed from July 13th to August 25th the effective date of its code-share and long-term wet lease, and change-of-gauge consumer notice rules; and (2) tentatively concluded that (a) those portions of the rule that require CRS reprogramming should not become effective until March 15, 2000

and (b) those portions of the rule that do not require such reprogramming should become effective on August 25, 1999. 64 Fed. Reg. at 38114.

We believe that the Department's proposed disposition of this matter is a sensible accommodation to the reprogramming demands that the rules are creating and the Y2K tasks facing those involved in airline industry information system reprogramming needs.¹

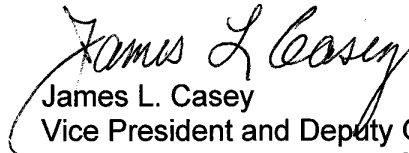
Two considerations are of particular importance in assessing the Department's tentative conclusions. First, significant parts of the rule will become effective on August 25th. Second, central elements of the new rules have been in effect for a number of years and will continue in full force during the interim period. For example, the Department's existing code-share disclosure policy statement requires that reasonable notice of code-share arrangements be provided to consumers in the Official Airline Guide and computer reservation systems, in oral communications, and in advertising. 14 C.F.R. §399.88. Furthermore, in most instances major carriers have been providing written notice of the identity of the operating carrier. In addition, change-of-gauge disclosure requirements are contained in the Department's CRS rules and have been set forth in enforcement proceeding orders. 14 C.F.R. §255.4(b)(2); Order 89-1-31, January 19, 1989, n.2. Thus, between now and March 15th consumers will receive substantial information about the nature of operations involving code-share and change-of-gauge arrangements.

¹ We note that air carriers are also engaged in reprogramming activities. They are subject to the same resource demands and limitations that other information system providers are experiencing.

Finally, we particularly appreciate the Department's meeting with interested parties on June 29th. This provided an opportunity to describe in more detail the technical and programmer scheduling issues affecting reprogramming efforts. It also permitted the Department to query industry representatives about these matters. We believe that this session appreciably improved the factual content of this proceeding.

The Department's proposed implementation schedule for these rules is a reasonable response to the unusual circumstances confronting information system reprogramming efforts. Nevertheless, existing consumer notice rules and the first phase implementation of the rules issued in this proceeding will assure that significant information is provided to customers between now and March 15th. We therefore respectfully request that the Department make final its tentative conclusion to modify the rules' implementation dates.

Respectfully submitted,



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July 30, 1999