BEFORE THE
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, DC

Application of
BOSTON-MAINE AIRWAYS CORP. for an exemption pursuant to 49 U.S.C. § 40109 (Interstate Large Aircraft Services)

Docket OST-00-7668

OPPOSITION OF AIR LINE PILOTS ASSOCIATION TO APPLICATION OF BOSTON-MAINE AIRWAYS CORP. FOR GRANT OF AN EMERGENCY EXEMPTION

Air Line Pilots Association (ALPA) respectfully files this opposition to the application of Boston-Maine Airways Corp. (BMAC) for an emergency exemption that would authorize it to operate an additional B-727 aircraft under its Certificate, which currently limits BMAC to three large aircraft. BMAC requests that such exemption be granted “on an expedited basis . . . to become effective on or before April 8, 2005.” We submit that BMAC has not provided sufficient information to justify such highly expedited action, and that, in any event, the Department should not grant BMAC any additional authority while unresolved issues concerning BMAC’s fitness remain pending in this Docket and in Docket OST-03-14985.
BMAC claims it needs the requested exemption to enable it to perform Public Charter flights commencing on April 14, 2005 under a contract it has entered into with a “major cruise line company.” BMAC asserts that its present fleet of three B-727 aircraft cannot both perform the services called for by this charter contract and also maintain the carrier’s current scheduled operations. However, BMAC has submitted no specific information to support that assertion. No details concerning the terms of this charter contract have been provided -- such as the points to be served, the number of flights to be performed, or the flight schedules that are called for. Nor has BMAC disclosed either the nature or the extent of its current or projected scheduled operations. Without such operational data, the Department has no basis for independently evaluating BMAC’s need for the emergency exemption authority it is seeking.

Moreover, BMAC has not made clear why it could not have filed its application earlier, so as to give the Department more adequate time to consider it. The application does not disclose when BMAC entered into the charter contract with the cruise line company. The application does reveal, however, that regardless of this particular charter contract, BMAC has planned to add a fourth B-727 to its operations for some time, and has been seeking FAA approval to add that aircraft to its Operation Specification. BMAC states that it expects to obtain FAA approval “on or about April 12, 2005,” but does not explain why it did not seek Department authority to
operate this aircraft in air transportation at the same time that it sought operating authority for it from the FAA.

BMAC’s application thus has every appearance of being deliberately timed in order to preempt -- or at least short-circuit -- the Department’s on-going review of BMAC’s fitness, which is pending both in connection with BMAC’s application in Docket OST-03-14985 for authority to operate up to seven large aircraft in both foreign and interstate air transportation, and in connection with ALPA’s motion to revoke BMAC’s existing authority on fitness grounds, filed in this Docket on December 29, 2004. Until the questions raised in those dockets concerning BMAC’s fitness are resolved, the Department should not grant BMAC any additional authority. In the meantime, as BMAC’s application indicates, any service that the carrier cannot provide with its current fleet of three aircraft can be adequately handled by a sub-service arrangement.

Respectfully submitted,

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Dated: March 29, 2005

Attorneys for
Air Line Pilots Association
CERTIFICATE OF SERVICE

I, Janice A. Reed, hereby certify that on this 29th day of March, 2005 a true and correct copy of the foregoing Opposition of Air Line Pilots Association to Application of Boston-Maine Airways Corp. for Grant of an Emergency Exemption was served as follows:

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