August 30, 2005

BY HAND-DELIVERY
Mr. William Bertram, Chief
Air Carrier Fitness Division
Office of Aviation Analysis
U.S. Department of Transportation
400 Seventh Street, Room 6401
Washington, D.C. 20590

Re: Boston-Maine Airways Corp., Docket OST-00-7668

Dear Mr. Bertram:

By a letter to you dated August 29, counsel for Boston-Maine Airways Corporation (BMAC) has requested an extension of at least one year for filing the first-year progress report required by ordering paragraph 4 of Order 2004-8-21 (served July 18, 2004). That paragraph requires BMAC to submit “within 45 days following the end of its first year of conducting large aircraft operations” the following information:

[A] description of the carrier’s current operations (number and type of aircraft, principal markets served, total number of full-time and part-time employees), a summary of how these operations have changed during the year, a discussion of any changes it anticipates from its current operations during the second year, current financial statements (including a balance sheet at the end of the company’s first full year of operations and a 12-month incomes statement ending that same date), and a listing of current senior management and key technical personnel.

As acknowledged in counsel’s letter, this report is due on September 6, 2005. Yet BMAC has apparently taken no action to comply with this requirement, and instead waited until August 30 -- one week before the deadline --for filing its extension request. This inaction and delay, we suggest, is another indication that BMAC management is not effectively managing the airline’s affairs, and thus casts further doubt on its fitness.
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In any event, ALPA submits that no good cause for the requested extension exists, and that BMAC should be directed to submit the required report immediately.

The only grounds for the requested extension stated by BMAC are what counsel characterizes as the “highly unusual and disruptive events which have impeded BMAC’s introduction and utilization of B-727 aircraft into its aircraft fleet since the issuance of Order 2004-8-21.” We presume the “events” referred to are ALPA’s court challenge to BMAC’s B-727 operations under the Railway Labor Act, and ALPA’s challenge to BMAC’s fitness before the Department. Despite these legal challenges, however, BMAC has in fact been operating three B-727 aircraft as authorized by Order 2004-8-21, and there is thus no reason why it should not submit the first-year report that the Order calls for.

Indeed, the fact that BMAC’s fitness is currently under review by the Department makes it all the more essential that BMAC submit the required report in timely fashion. BMAC is asking that the Department complete its review before that report is submitted, yet the information that BMAC is required to submit is clearly relevant to that review. Indeed, the need for such updated information is particularly urgent in this case, because all of the information on which the Department has previously relied is now in question, as it was verified by John Nadolny, who has apparently admitted submitting false information to the Department as well as forging a performance bond given to ALPA.

A copy of this letter will be filed in the docket and served on all parties.

Sincerely,

Jerry D. Anker  
Russell Bailey  
ALPA Legal Department