BEFORE THE
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.

Application of

BOSTON-MAINE AIRWAYS CORP. Docket OST-00-7668 and
for issuance of a certificate of public Docket OST-03-14985
convenience and necessity pursuant to
49 U.S.C. § 41102 (Foreign Large-Aircraft
Operations).

ANSWER OF AIR LINE PILOTS ASSOCIATION TO
EMERGENCY MOTION OF BOSTON-MAINE AIRWAYS CORP.

Boston-Maine Airways Corp. (BMAC) has filed an "emergency motion"
requesting the Department to immediately grant its pending applications for authority
to operate four additional B-727-200 aircraft (Docket 7668) and to perform foreign air
transportation (Docket 14985). The same request was made simultaneously by BMAC's
president, David Fink, in a personal letter to Secretary Mineta, which has also been
placed in the Docket. Aside from repeating all of the carrier's previous claims
concerning its fitness and its need for the requested authority, BMAC's motion and Mr.
Fink's letter both assert that the yet-to-be-completed Inspector General investigation
into certain actions of BMAC's former General Counsel should not deter the
Department from granting the authority it seeks, because “BMAC believes that the IG has found no evidence implicating any other person with the former General Counsel’s actions, and has concluded that BMAC is the innocent victim of that individual’s unauthorized and concealed wrongful action.” (BMAC Motion, p.5; see also Fink letter, p.2).

Of course, regardless of what BMAC or Mr. Fink may “believe,” the fact is that the Inspector General has not yet completed his investigation and therefore cannot have reached any final finding. Indeed, he has yet to contact ALPA, which has names of potential witnesses to provide to him. Moreover, Assistant Secretary Karan Bhatia’s letter of August 2, 2005 referring this matter to the Inspector General could not have been more clear: “My office intends to defer action on all open dockets regarding Boston-Maine’s authority until such time as I receive your investigative report and my staff has fully reviewed its conclusions.” (Emphasis added.)

Since the report has not yet either been received or reviewed by the Department staff, BMAC’s motion must be denied.

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Attorneys for Air Line Pilots Association
CERTIFICATE OF SERVICE

I, Janice A. Reed, hereby certify that on this 17th day of October, 2005, a true and correct copy of the Answer of Air Line Pilots Association to Emergency Motion of Boston-Maine Airways Corp. was served as follows:

VIA OVERNIGHT MAIL:

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VIA OVERNIGHT MAIL:

Robert J. Culliford
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VIA HAND DELIVERY:

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[Signature]

Janice A. Reed