Applications of

BOSTON-MAINE AIRWAYS CORP.

for issuance of new or amended certificates of public
convenience and necessity pursuant to 49 U.S.C. 41102
(Interstate and Foreign Large-Aircraft Operations)

ANSWER OF
BOSTON-MAINE AIRWAYS CORP.

TO COMMENTS BY AIR LINE PILOTS ASSOCIATION

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July 21, 2006
BEFORE THE
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON DC

Applications of

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TO COMMENTS BY AIR LINE PILOTS ASSOCIATION

Boston-Maine Airways Corp. ("BMAC") hereby submits this Answer in response
to the Comments filed by the Air Line Pilots Association ("ALPA") in this proceeding on

In its Comments, ALPA requests that the Department require BMAC to file
certain additional information and documents in connection with BMAC’s July 18, 2006
Response to the Department’s June 23, 2006 letter requesting BMAC to submit certain
updated financial fitness information in connection with BMAC’s pending applications in
the captioned proceedings for authority to operate up to four additional B727-200 aircraft
in providing interstate and foreign air transportation.

In its Answer to ALPA’s Comments, BMAC states as follows:
1. Contrary to ALPA’s Comments, BMAC submits that its July 18th Response, and the exhibits filed with that Response, are wholly responsive to the Department’s June 23rd request, and that BMAC’s Response, together with other information bearing on BMAC’s financial condition on file with the Department, is wholly sufficient to enable the Department to make an informed decision on the matter of BMAC’s current financial fitness to operate two of the four additional B727-200 aircraft for which BMAC seeks authority. BMAC has requested the Department to defer action on BMAC’s request for authority to operate the second two B727-200 aircraft until a future date, at which point BMAC will file all appropriate updated financial and other fitness-related information.

2. BMAC strongly objects to ALPA’s attempts to insinuate that BMAC is financially unfit or that BMAC has filed information in its Response which does not accurately reflect BMAC’s current financial condition. BMAC will not dignify those baseless allegations with a further response at this time.

3. BMAC takes no position on ALPA’s specific requests. BMAC hereby confirms that it will promptly file any further information and documents which the Department deems appropriate to request in aid of its decision in these proceedings.

4. BMAC is filing this Answer as quickly as possible, in the interest of facilitating the Department’s preparation and issuance of a statement of any further requests for additional information or documents which the Department may deem appropriate. BMAC urgently desires to receive any further request from the Department as promptly
as possible, and BMAC will respond to any such request by the Department as quickly as possible. It is of critical importance to BMAC to avoid any further delays in the processing of its B727 applications to a long-awaited final decision.

5. Finally, BMAC believes it is appropriate to remind the Department that there is absolutely no contractual or other legal relationship between BMAC and ALPA. ALPA is a labor organization primarily engaged in representing the interests of pilots who have voted to designate ALPA as their collective bargaining representative in matters relating to their employment. ALPA is not a legally authorized representative of any pilots, or any other employees, employed by BMAC.

Notwithstanding ALPA's clear lack of legal standing to participate as a party in these proceedings (unfortunately, the Department's Procedural Regulations do not require a demonstration of standing by a person who desires to participate in an informal non-hearing proceeding (14 CFR §§ 302.2 and 302.10)), ALPA has converted an ordinary and uncomplicated aviation licensing and fitness-determination proceeding into one of the most vitriolic and bitterly-contested aviation proceedings in the history of the Department (and of its predecessor, the Civil Aeronautics Board).

Because of ALPA's participation as an opponent of BMAC's application for the past three years and ten months, beginning on September 9, 2002, and for that reason alone, the Department's prohibition of "private" communications between an applicant and the Department's decisional employees in contested proceedings (14 CFR Part 300,
§300.2) has made it impossible for BMAC to follow the usual, efficient and mutually beneficial practice of conferring informally with the staff of the Department’s Fitness Division, and for the Fitness Division personnel to confer informally with BMAC, with regard to clarifying evidentiary questions and ordinary procedural requests which inevitably arise. That circumstance alone has greatly prolonged, vastly increased the cost, and severely complicated the resolution of the issues in these proceedings.

In the absence of any other demonstrable legitimate basis for ALPA’s participation in this proceeding, the transparent motive driving ALPA’s participation in this case is clearly its intensely bitter history of unrelenting labor conflict with BMAC’s sister carrier, Pan American Airways, Inc., whose air carrier operations were terminated on October 31, 2004 as a direct result of staggering economic losses and operating inefficiencies directly attributable to ALPA’s confrontational and destructive representation of Pan Am’s pilots. That enmity between ALPA and Pan Am’s senior management, who are also the senior management group of BMAC, and the fact that BMAC is currently a non-union company, has led ALPA to undertake an unrelenting campaign of opposition to BMAC’s applications to operate large aircraft, and, subsequently, an effort to kill off BMAC as an air carrier altogether (see, ALPA Motion to Revoke BMAC’s Certificate Authority, filed December 29, 2004, in these proceedings).
BMAC respectfully urges the Department to view ALPA’s pleadings in this proceeding in the light of the nearly four-year-long record of ALPA’s motivation and tactics in every available forum, including the Federal District Court litigation referred to in BMAC’s Response (and described in greater detail in prior pleadings by BMAC in this case), the United States Congress, the Federal Aviation Administration, and, of course, the Department itself. BMAC respectfully and urgently requests the Department to continue to expedite this final stage in the processing of this proceeding.

WHEREFORE, BMAC respectfully requests the Department to expedite the remaining substantive and procedural steps in this proceeding, and to issue a Final Order granting BMAC’s pending application for authority to operate two additional B727 aircraft, for a total of five B727 aircraft, and to defer action on the balance of BMAC’s pending application seeking authority to operate a total of seven B727 aircraft in scheduled and charter operations.

Respectfully submitted,

[Signature]

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Attorneys for
BOSTON-MAINE AIRWAYS CORP.
CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing Answer of Boston-Maine Airways Corp. by messenger, fax, electronic transmission or United States mail, properly addressed and with postage prepaid, upon each of the persons listed in the Service List attached hereto.

Nathaniel P. Breed, Jr.

Washington, D.C.
July 21, 2006
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