

BEFORE THE  
DEPARTMENT OF TRANSPORTATION  
WASHINGTON, D.C.

-----  
Application of :  
 :  
 VIRGIN AMERICA, INC. : Docket OST-2005-23307  
 :  
 :  
 for a certificate of public convenience :  
 and necessity under 49 USC 41102 :  
 to engage in interstate air transportation :  
-----

ANSWER OF THE  
TRANSPORTATION TRADES DEPARTMENT, AFL-CIO IN SUPPORT OF THE MOTION  
OF CONTINENTAL AIRLINES AND IN OPPOSITION TO THE APPLICATION OF  
VIRGIN AMERICA INC.

Comments with respect to this document should be sent to:

Edward Wytkind, President  
Larry I. Willis, General Counsel  
Transportation Trades Department, AFL-CIO  
888 16<sup>th</sup> Street, N.W., Suite 650  
Washington, D.C. 20006  
(202) 628-9262

December 21, 2005

BEFORE THE  
DEPARTMENT OF TRANSPORTATION  
WASHINGTON, D.C.

-----  
Application of

VIRGIN AMERICA, INC.

Docket OST-2005-23307

for a certificate of public convenience  
and necessity under 49 USC 41102  
to engage in interstate air transportation  
-----

ANSWEAR OF THE  
TRANSPORTATION TRADES DEPARTMENT, AFL-CIO  
IN SUPPORT OF THE MOTION OF CONTINENTAL AIRLINES AND IN OPPOSITION TO  
THE APPLICATION OF VIRGIN AMERICA INC.

The Transportation Trades Department, AFL-CIO (TTD) hereby answers in support of the motion filed by Continental Airlines and in opposition to the application as submitted by Virgin America for a certificate of public convenience and necessity to engage in interstate air transportation.

Virgin America asserts in its application that its ownership and management structure comply with current U.S. citizenship and control requirements and asks the Department to use simplified procedures in reviewing its application so that it may commence service as early as possible in 2006. Notwithstanding this assertion, there are significant issues regarding foreign control and ownership of Virgin America that are not fully explained nor addressed in the application.

TTD has closely monitored the progress that Sir Richard Branson and his Virgin Group (comprised of foreign companies including Virgin Atlantic Airways) have made in creating Virgin America. It is clear that significant foreign involvement has already gone into designing Virgin America and preparing it to operate as a U.S. carrier. There is thus a fundamental question as to whether this involvement will jeopardize U.S. actual control and the degree to which this involvement will continue if the carrier is granted a certificate.

We would note that the U.S. citizens ostensibly providing the financing for this proposed carrier have limited experience in the aviation industry and the developing carrier may rely on its foreign investors and managers for guidance and expertise. It is incumbent on the Department to ensure that the role of foreign interests and the proposed carrier's complicated financing and management structure do not run afoul of the current rules requiring U.S. ownership and actual control.

We respectfully submit that this determination cannot be reasonably made based on the application as submitted and in the time frame proposed by Virgin America. For these reasons, we support the motion of Continental that Virgin America produce additional documents and information that speak to who will actually control this carrier. We also support their request to suspend all procedural dates until the above information and documents have been received and stakeholders, including aviation workers and their unions, have had an opportunity to review and analyze these submissions and the entire docket.

As the Department is aware, TTD has long taken the position that current foreign ownership and control limits have served our nation, its aviation system, and our workers well. While the Department is currently considering revisions to these rules, there should be no disagreement that so long as the current limits are in place, they must be fully enforced and adhered to by those seeking to operate as a U.S. carrier.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'Edward Wytkind', with a large, stylized flourish at the end.

Edward Wytkind, President  
Larry I. Willis, General Counsel  
Transportation Trades Department, AFL-CIO  
888 16<sup>th</sup> Street, N.W. Suite 650  
Washington, D.C. 20006  
(202) 628-9262

Certificate of Service

I hereby certify that the copies of the foregoing Answer of the Transportation Trades Department, AFL-CIO has been served upon those listed below.

  
Larry I. Willis

SERVICE LIST

William C. Evans  
John R. Mietus, Jr.  
DLA Piper Rudnick Gray Cary  
US LLP  
bill.evans@piperrudnick.com  
John.mietus@dlapiper.com

John Brantley,  
Airport Director  
P.O. Box 80001  
RDU Airport, NC 27623

Bruce Pelly, Director  
Department of Airports  
Bldg. 846-Palm Beach Intl.  
West Palm Beach, FL 33406

David Bowen  
Airport Manager  
P.O. Box 20047  
Kansas City, MO 64195

Patrick Dooley  
Airport Director  
2500 S. High School Rd.  
Box 100  
Indianapolis, IN 46241

Jim Smith  
Executive Director  
3600 Presidential Blvd.  
Austin, TX 78719

John Monk  
Airport Director  
5300 Riverside Drive  
Cleveland, OH 44135-3193

Kent George  
Executive Director  
1000 Airport Blvd.  
Suite 4000  
Pittsburgh, PA 15231-0370

Scott Walker  
Executive Director  
5300 S. Howell Ave.  
Milwaukee, WI 53207

Fred Piccolo, CEO, President  
6000 Airport Circle  
Sarasota, FL 34243-2105

John Clark  
Executive Director  
Box 18018  
Jacksonville, FL 32229

Roy Williams  
Director of Aviation  
P.O. Box 20007  
New Orleans, LA 70141

Benjamin Decosta  
Aviation General Manager  
Airport Operations  
P.O. Box 20509  
Atlanta, GA 30320  
[ben.decosta@atlanta-airport.com](mailto:ben.decosta@atlanta-airport.com)

John Roberson  
Aviation Commissioner  
Box 66142  
Chicago, IL 60666

Lydia Kennard  
Executive Director  
7301 World Way West, 9<sup>th</sup> Floor  
Los Angeles, CA 90045-5830

Jeffery Fegan, CEO  
P.O. Drawer 619428  
Dallas-Ft. Worth, TX 75261

Stan Koniz, CEO  
Airport Office Bldg  
8500 Pena Blvd., 8<sup>th</sup> Floor  
Denver, CO 80249  
Randall Walker  
Director of Aviation  
5757 Wayne Newton Blvd.  
Las Vegas, NV 89119

David Krietor  
Aviation Director  
3400 Sky Harbor Blvd.  
Phoenix, AZ 85034

Alfred Graser  
Airport General Manager  
225 Park Ave. South, 9<sup>th</sup> Floor  
New York, NY 10003

William DeCota  
Airport Director  
JFK Airport, Bldg. 14  
Jamaica, NY 11430  
[wdecota@panynj.gov](mailto:wdecota@panynj.gov)

Thomas Bartlett  
Deputy Director  
Airport Operations Services  
16930 JFK Blvd.  
Houston, TX 77032

Susan Baer  
General Manager  
Building # 1, Conrad Road  
Newark, NJ 07114  
[saber@panynj.gov](mailto:saber@panynj.gov)

John Martin  
Airport Director  
Jackson Wong, CEO  
San Francisco Int'l Airport  
P.O. Box 8097  
San Francisco, CA 94128

Larry Dale, CEO  
One Airport Blvd.  
Orlando, FL 32827-4399

Jose Abreu  
Director  
P.O. Box 592075  
Miami, FL 33159

Michael Ehl  
Director of Operations  
Box 68727  
Seattle, WA 98168

Charles J. Isdell  
Director of Aviation  
Div. of Aviation Terminal E  
Philadelphia, PA 19153

Thomas Kinton, Jr. Director  
Logan International Airport  
One Harborside Dr., Suite 200S  
East Boston, MA 02128-2909

Jerry Orr  
Aviation Director  
P.O. Box 19066  
Charlotte, NC 28219

Warren Kroepfel  
General Manager  
Hanger #7, Third Floor  
Flushing, NY 11371

Robert Holscher  
Director of Aviation  
Kenton County Airport Board  
P.O. Box 752000  
Cincinnati, OH 45275-2000

Paul Wiedefeld  
Executive Director MAA  
P.O. Box 8766  
BWI Airport, MD 21240-0766

Tom Jargiello  
Aviation Director  
320 Terminal Drive  
Ft. Lauderdale, FL 33315

John Roberson  
Aviation Commissioner  
Box 66142  
Chicago, IL 60666

Russ Pack  
Interim Executive Director  
776 North Terminal Drive  
Salt Lake City, UT 84116

Ed Cooley  
Sr. Director of Operations  
P.O. Box 22287  
Tampa, FL 33622

Thella Bowens, CEO  
3225 N. Harbor Drive  
San Diego, CA 92101-1022

James Bennett, CEO  
Metropolitan Washington  
Airport Authority  
1 Aviation Circle  
Washington, DC 20001-6000

John Howard, Manager  
Bill Dime, Certification Project Manager  
San Jose Flight Standards  
District Office  
Federal Aviation Administration  
1250 Aviation Avenue, Suite 295  
San Jose, CA 95110-1130

Jerry D. Anker  
Russell Bailey  
Air Line Pilots Association  
1625 Massachusetts Avenue, NW  
Washington, DC 20036

Henry C. Joyner  
Senior Vice President-Planning  
American Airlines, Inc.  
P.O. Box 619616, MD 5628  
DFW Airport, Texas 75261

Don Casey  
Managing Director-International  
Planning  
American Airlines, Inc.  
P.O. Box 619616, MD 5635  
DFW Airport, Texas 75261  
[Don.casey@aa.com](mailto:Don.casey@aa.com)

William K. Ris, Jr.  
Senior Vice President Government  
Affairs  
American Airlines, Inc.  
1101 17<sup>th</sup> Street, NW, Suite 600  
Washington, DC 20036

Carl B. Nelson, Jr.  
Associate General Counsel  
American Airlines, Inc.  
1101 17<sup>th</sup> Street, NW, Suite 600  
Washington, DC 20036

Rebecca G. Cox  
Senior Vice President,  
Government Affairs  
Continental Airlines, Inc.  
1350 I Street, NW  
Washington, DC 20005-3389

Hershel I. Kamen  
Staff Vice President,  
Security and Regulatory Affairs  
Daniel A. Weiss  
Corporate Manager, International  
Policy and Regulatory Affairs  
Continental Airlines, Inc.  
P.O. Box 4607-HQSGV  
Houston, TX 77210-4607

Thomas Newton Bolling  
Senior Attorney, Regulatory  
Continental Airlines, Inc.  
P.O. Box 4607 – HQSLG  
Houston, TX 77210-4607  
[Thomas.bolling@coair.com](mailto:Thomas.bolling@coair.com)

R. Bruce Keiner, Jr.  
Lorraine B. Halloway  
Crowell & Moring LLP  
1001 Pennsylvania Avenue, NW  
Washington, DC 20004-2595  
[rbkeiner@crowell.com](mailto:rbkeiner@crowell.com)  
[lhalloway@crowell.com](mailto:lhalloway@crowell.com)

Sametta C. Barnett  
Director-Government Affairs  
Delta Air Lines, Inc.  
1275 K Street, NW  
Washington, DC 20005

John Varley  
Vice President-Deputy General Counsel  
J. Scott McClain  
Assistant General Counsel  
Delta Air Lines, Inc.  
Law Department #981  
1030 Delta Blvd.  
Atlanta, Georgia 30320

Robert E. Cohn  
Alexander Van der Bellen  
Hogan & Hartson L.L.P  
555 Thirteenth Street, NW  
Washington, DC 20004

[carl.nelson@aa.com](mailto:carl.nelson@aa.com)  
[msinick@ssd.com](mailto:msinick@ssd.com)  
[recohn@hhlaw.com](mailto:recohn@hhlaw.com)  
[sascha.vanderbellen@hhlaw.com](mailto:sascha.vanderbellen@hhlaw.com)  
[megan.rosia@nwa.com](mailto:megan.rosia@nwa.com)  
[daniel.skwarek@nwa.com](mailto:daniel.skwarek@nwa.com)  
[efaberman@wrf.com](mailto:efaberman@wrf.com)  
[jhill@dlalaw.com](mailto:jhill@dlalaw.com)  
[salterman@cargoair.org](mailto:salterman@cargoair.org)  
[rsilverberg@sbgdc.com](mailto:rsilverberg@sbgdc.com)  
[kirsteind@gtlaw.com](mailto:kirsteind@gtlaw.com)  
[jeffrey.manley@wilmerhale.com](mailto:jeffrey.manley@wilmerhale.com)  
[tom.lydon@evergreenaviation.com](mailto:tom.lydon@evergreenaviation.com)  
[youngj@gtlaw.com](mailto:youngj@gtlaw.com)  
[matwood@sherblackwell.com](mailto:matwood@sherblackwell.com)  
[brian.hunt@iflyata.com](mailto:brian.hunt@iflyata.com)  
[mcmillin@woa.com](mailto:mcmillin@woa.com)