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UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, DC

1999 U.S.-Argentina Combination Service Case
Docket OST-99-6210 - 179

NOTICE CONFIRMING EXTENSION OF REBUTTAL DATE

On November 22, 1999, by Order 99-11-14, the Department instituted the captioned proceeding to select a carrier or carriers to use the 14 new frequencies that become available for U.S.-Argentina combination services beginning September 1, 2000. Delta Air Lines, Continental Airlines and United Air Lines are applicants for the available frequencies. The instituting order also established procedural dates for the filing of the evidentiary material necessary for the Department to make its decision, calling for Direct Exhibits on January 10, 2000, Rebuttal Exhibits on February 7, 2000, and Briefs on March 6, 2000.

On January 14, 24, and 27, 2000, United filed revisions to the traffic forecast included in its Direct Exhibits. On February 2, Continental filed a motion requesting that the Department strike United's exhibits and dismiss its application based on the repeated revisions to its exhibits. Should the Department nonetheless accept United's exhibits and consider its application, Continental requests that the Department extend the date for filing Rebuttal Exhibits until February 10 to provide interested parties adequate time to rebut United's final forecast exhibit. United opposed Continental's request to strike its exhibits and dismiss its application, but did not object to Continental's request for additional time to file rebuttal exhibits. Delta took no position on Continental's request for dismissal, but opposed Continental's request to extend the procedural dates in this case, arguing that the delay would adversely affect the selected carriers' ability to promote the services properly before the new frequencies become available.

After careful consideration of Continental's motion, we decided to extend the date for filing Rebuttal Exhibits as Continental has requested, thereby affording all parties two full weeks to adjust their rebuttal exhibits to incorporate the latest revision filed by United on January 27. The extension requested was for a very short period and given the revisions by United to its exhibits, we found that the additional time was not unreasonable and that the slight revision to the procedural schedule in this case properly

balanced the interests of all parties to the proceeding. Given that the extension involves a period of only three additional days, we further decided that no other changes to the procedural schedule are necessary, and, thus, that the date that Briefs are due will remain March 6, 2000. We orally notified all parties to the proceeding of our decision on February 4, 2000, and we confirm that decision here.¹

We will serve this notice upon all parties in Docket OST-99-6210.

By:

A. BRADLEY MIMS
Deputy Assistant Secretary for
Aviation and International Affairs

(SEAL)

Dated: February 9, 2000

*An electronic version of this document is available on the World Wide Web at:
http://dms.dot.gov/reports/report_aviation.asp*

¹ Our decision to grant the requested extension does not prejudice our ultimate decision on Continental's motion to dismiss.