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DEPT. OF TRANSPORTATION
BUDGET SECTION

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BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D. C.

LOVE FIELD SERVICE INTERPRETATION
PROCEEDING

OST-98-4363 -//

MOTION OF AMERICAN AIRLINES, INC. FOR AN EXTENSION
OF TIME AND FOR CLARIFICATION OF ORDER 98-8-29

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September 2, 1998

BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D. C.

LOVE FIELD SERVICE INTERPRETATION :
PROCEEDING :

OST-98-4363

MOTION OF AMERICAN AIRLINES, INC. FOR AN EXTENSION
OF TIME AND FOR CLARIFICATION OF ORDER 98-8-29

On August 25, 1998, the Department issued Order 98-8-29 instituting the Love Field Service Interpretation Proceed-
ins, requiring comments by September 8, 1998, and reply com-
ments by September 15, 1998. American Airlines, Inc. hereby
requests a 60-day extension of time, until November 6, 1998, to
submit comments, with reply comments due 30 days thereafter, on
December 7, 1998.

In light of the important nature of this matter,
which includes not only specific issues involving Dallas Love
Field, but also the jurisdiction of the Department to institute
and conduct a proceeding that purports to "eliminate much of
the pending litigation" in Texas state courts (p. 3), the 14-
day period provided for comments, with 7 days for reply com-
ments, is entirely inadequate. All of American's attorneys who
are familiar with the issues the Department has raised are
fully engaged in the Texas litigation, in which an intensive
round of pleadings and oral arguments is scheduled in September

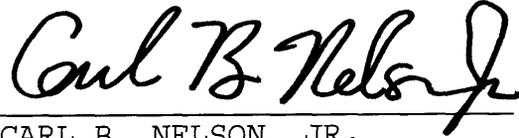
and October. Coupled with the late August and Labor Day holiday period, the Department's procedural schedule is unreasonable on its face, and unless substantially extended would violate American's due process right to be heard?

In addition to seeking the requested extension of time, American asks the Department to state, in a clarifying order, the statutory basis for its assertion of jurisdiction to decide issues that are currently pending in Texas state courts. American also asks the Department to state whether its proceeding is an adjudication or a rulemaking. Having a response from the Department on these questions will assist the parties in understanding the nature of this proceeding, and in preparing their comments.

In view of the importance of this matter to all interested parties, American requests that the Department rule on this motion by the close of business on Thursday, September 3, 1998.

¹The Department contends that the schedule "should be reasonable, since the parties have already extensively briefed the issues in their filings in the various lawsuits" (p. 5). This is inaccurate. To our knowledge, issue (4) has never been briefed in any litigation, past or pending, involving Dallas Love Field.

Respectfully submitted,

A handwritten signature in black ink, reading "Carl B. Nelson, Jr." in a cursive script. The signature is written over a horizontal line.

CARL B. NELSON, JR.
Associate General Counsel
American Airlines, Inc.

September 2, 1998

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document by fax (where indicated) or first-class mail on all persons named on the attached service list.



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September 2, 1998

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