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DEPT. OF TRANSPORTATION  
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**BEFORE THE  
U.S. DEPARTMENT OF TRANSPORTATION  
WASHINGTON, D.C. 20590**

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**In the Matter of** :

**AMERICAN SOCIETY OF TRAVEL AGENTS, INC.** :

**and** :

**JOSEPH L. GALLOWAY,** :

**Complainants,** :

**v.** :

**UNITED AIRLINES, INC., et al.,** :

**Respondents.** :

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Docket OST-99-6410 - 128

**ANSWER OF RESPONDENT  
AMERICAN TRANS AIR, INC. TO  
AMENDMENT NO. 2 OF THE COMPLAINT**

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April 26, 2000

**BEFORE THE  
U.S. DEPARTMENT OF TRANSPORTATION  
WASHINGTON, D.C. 20590**

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<b>and</b>	:	
<b>JOSEPH L. GALLOWAY,</b>	:	
<b>Complainants,</b>	:	
<b>v.</b>	:	<b>Docket <u>OST-99-6410</u></b>
	:	
<b>UNITED AIRLINES, INC., et al.,</b>	:	
<b>Respondents.</b>	:	
	:	

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**ANSWER OF RESPONDENT  
AMERICAN TRANS AIR, INC. TO  
AMENDMENT NO. 2 OF THE COMPLAINT**

Respondent American Trans Air, Inc. (hereafter "ATA") answers Amendment No. 2 to the Complaint and requests the Secretary of Transportation to decline to act with regard to the allegations raised.

**General Response**

ATA re-asserts its answer to Complainant's original complaint.

Amendment No. 2 to the Complaint of the American Society of Travel Agents, Inc. (ASTA) and Mr. Galloway does not in any way demonstrate "a conscious and deliberate pattern of conduct" that causes harm or additional costs to travel agents. Complainants offer nothing other than conclusory statements that travel agents are harmed by "the changing marketplace" in the airline industry. The allegedly new allegations are simply a re-hash of Complainant's original protestations against the efficiencies and convenience of Web-based ticketing transactions. In its simplest terms, the amendment smacks of "sour grapes" over the increasing

use by the traveling public to make all manner of travel arrangements, including hotel and rental car reservations, on the Internet.<sup>1</sup>

In both its CRS and Internet fare advertising, ATA complies with all DOT rules regarding the inclusion of a fuel surcharge in the advertised fare.<sup>2</sup> Moreover, ATA files fuel surcharges in the same manner, in the same format, under the same conditions and procedures of all carriers utilizing the Airline Tariff Publishing Company. ASTA's apparent complaint that an additional computer keystroke may be necessary (and that is by no means established or admitted) to serve those of the public choosing to utilize travel agents, does not establish, suggest or imply wrongdoing or deceptive practices by ATA or carriers in general.

#### Conclusion

ASTA's amendment does not establish any pattern or incident or wrongdoing on the part of ATA.

Respectfully submitted,

BUEHLER ATKINS ASSOCIATES



J. C. Buehler  
Counsel for American Trans Air, Inc.

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<sup>1</sup> "On-line ticket sales have exploded (in 1999). Travelocity and Previewsay they expect to sell \$1 billion in tickets this year. Five percent of all ticket sales now originate on the Internet." *AMR Plans Spinoff of its Stake in Sabre*, Chicago Tribune, Dec. 15, 1999.

<sup>2</sup> 14 CFR 399.84; *Informal Summary of Aviation Consumer Rules*, U.S. Dept. of Transportation, May, 1993.

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