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### **DOT withdraws truth in airline pricing rulemaking from consideration**

Travelers United protests the withdrawal of the notice of proposed rulemaking on Ancillary Airline Passenger Revenues, which was issued in July 2011 by the Department of Transportation (DOT).

The DOT, which is different than all other executive departments as it is the chief prosecutor, judge, and jury for aviation issues, should be ashamed of this action. The rulemaking process is the American public's only chance to present our case to government. It is the equivalent to being able to go to the Better Business Bureau, the Small Claims Court, or file a suit with state and local courts. Aviation consumers have none of those protections when it comes to disagreements with airlines.

It is a dereliction of duty for the DOT to stop its review of unfair and deceptive pricing of ancillary fees, which make it impossible for consumers to comparison shop for the best costs of airfare. Having DOT remove these limited consumer protections from even consideration in the future is akin to having the Supreme Court decide that it will no longer hear any cases.

The airline deregulation act specified the DOT as the place where consumers could complain about airline service and seek redress. DOT was given the job of protecting consumers from deceptive and misleading practices by the airlines.

It is one thing to withdraw a rule that may be restrictive, obsolete, or without merit, but the withdrawal of this NPRM is far more than a simple withdrawal. In this case this DOT action is the abdication of their legal responsibility. It is an end of what for consumers is their only process of adjudication.

This withdrawn rulemaking was created to allow airline consumers to determine the full cost of travel, including airfare as well as ancillary fees together with their exceptions and exemptions. Without clear, public data available to travel agents and on the Internet, travelers find it impossible to effectively comparison shop. By withholding this information from normal airline ticket sales channels, the airlines are misleading consumers about the true cost of travel.

This rulemaking has been in play for half-a-decade with thousands of pages of testimony and comments from consumers and all travel stakeholders. The claim that this rulemaking is "of limited public benefit" is simply not true.

Are prices not of benefit to consumers?

Did our President in his days as a successful construction tycoon not pay attention and insist on clear understandable pricing for his work? Is our Secretary of Transportation uninterested in her salary, savings, and investments? Does the DOT not have a budget within which it must operate?

Of course! Having the DOT step back from developing rules to allow consumers to know the full price of travel and to be able to comparison shop is an affront to America. We are a country that has been built on allowing the market system to work, on competition, and on giving Americans the ability to comparison shop.

All of that is only possible through transparent pricing.

It is time for Congress to get involved. If DOT, tasked with protecting the American public from misleading and deceptive practices, will not act, Congress must. However, DOT is also ignoring Congress as well as the American public. Two laws passed almost 18 months ago that would allow families to sit together and refunds of checked-baggage fees when the baggage is not delivered on time have not been put into effect by DOT.

If DOT will not act, the current system must be abandoned and airline consumers should be provided the same rights of all other consumers -- the right to petition their local courts for justice.