

**BEFORE THE
US DEPARTMENT OF TRANSPORTATION
WASHINGTON, DC**

DOCKET NO. DOT-OST-2022-0109 • DATE: January 20, 2023

NOTICE OF PROPOSED RULEMAKING

ENHANCING TRANSPARENCY OF AIRLINE ANCILLARY SERVICE FEES

REQUEST FOR EXTENSION OF COMMENT DEADLINE

Travelers United on behalf of its tens-of-thousands airline consumers hereby respectfully and urgently requests a one-month extension of the comment period for the above-referenced Notice of Proposed Rulemaking. Comments are currently due January 23, 2023. Travelers United requests an extension of the deadline to February 27, 2023.

Travelers United was surprised by the response to the Travel Technology Association (Travel Tech) request for extension to February 6, 2023. The extension according to the Travel Tech petition was because they did not have time to review and respond to the recommendations that emerged from the recent January 12, 2023, meeting of the Aviation Consumer Protection Advisory Committee (“ACPAC”). At that meeting, ACPAC considered, and voted on recommendations to the DOT, regarding this NPRM. However, minutes from ACPAC’s meeting have not yet been posted to the public docket (DOT-OST-2018-0190). Neither Travelers United’s officers nor others were able to view that meeting. Plus, the minutes of the meeting as of this evening still have not been prepared or posted on the docket.

Travelers United has been involved intimately in this rulemaking for a dozen years. Today, technology is taking the industry in new directions.

Officers of Travelers United listened to the entire hearings of the Aviation Consumer Protection Advisory Committee (“ACPAC”) on Thursday and Friday this week. Earlier in the week we met with members of Airlines for America, Travel Technology Association, Global Business Travel Association, and representatives from Google, Inc. All discussed the short deadlines provided by the Department of Transportation (DOT) for what is a very complex problem and very similar issues were included in the Enhancing Airline Passenger Protections Comments (DOT-OST-2010-0140). Those deliberations lasted more than a year.

Today’s deliberations are significantly different from those of 2010 and 2011. In those days almost 80 percent of online travel was transacted on desktop or large laptop computers. The homepage real estate was relatively large. Today, we are dealing with much smaller mobile devices – 70-80 percent of transactions happen on these tiny computers.

DOT is seriously underestimating the technology and user-interface problems that new rules will entail. Plus, new Artificial Intelligence technology is coming in the next years. Passengers, the airlines, and the distribution network deserve a thorough review of these changes. By the time this rulemaking is ready to go live, new technology will be leading us in a different direction.

Travelers United has not missed an ACPAC meeting

As President of Travelers United, I have attended all ACPAC meetings until January 11, 2023. After the removal of two cancer tumors, I was ordered by my doctors to rest until the following week. I waited for the ACPAC hearing minutes to post to the docket but never saw them. Ironically, there was a review of traveling while sick which was outlined during the January meeting.

DOT has noted that materials from the ACPAC's January 12 meeting, including a video recording of the full meeting, have been posted publicly and can be viewed on the Department's website or on regulations.gov (Docket DOT-OST-2018-0190), the meeting was publicly viewable on the date it was held. Stakeholders were provided sufficient notice of the meeting in advance, and the Federal Register notice announcing the meeting noted that the ACPAC intended to deliberate and decide on recommendations, if any, regarding ancillary fee transparency.

Blane Workie assured everyone that there would be time for comments.

When I listened to the webcast of the meeting. I was reassured to hear from Blane Workie during the meeting (at approximately 4:20:30 to 4:25:00) that the meeting would allow plenty of time for reaction to the ACPAC member votes and the discussions during that meeting. The lack of a set of minutes is proof that the public did not have time to properly discover the problems noted by the members of the ACPAC.

There was no expert testimony provided about questions raised by ACPAC members. The airline member of the committee, Doug Mullen, complained that he could not vote until he returned to discuss the meeting with other members of his organization – he ended up abstaining on most decisions. John Breyault, the consumer member, only reluctantly voted on the issues as did the airport and State AG members of the advisory committee. Speeding up the process, not more information, seemed to be the priority.

Airlines will in the next weeks present new mockups of mobile screens. Passengers will keep using smaller and more powerful mobile devices (and even watches) that can be used to make airline reservations. New faster transmission systems will be developed.

On January 18 the Travel Tech President and CEO asked for a short extension to have time to digest the ACPAC discussions and read the meeting minutes when they were published. That request was quickly dismissed.

The aviation industry is at a tipping point. We need bold, determined action, not speed.

I believe that every other stakeholder with whom I have held discussions during the last week will agree with me that more time is needed to properly analyze the new technology that this NPRM will require. Plus, every stakeholder be they ticket agent, travel advisor, metasearch, or GDS needs to have their position in the aviation community redefined. This industry is at a tipping point.

We need determined deliberation and innovation not speedy meetings to meet political practicalities during this comment period.

We have all waited almost a dozen years since the last real debate over ancillary fees. Another few months may make a giant difference. Today we are on the threshold of new technology that will change airline search parameters.

I realize that this request is very last minute. But these are volatile times. And bold innovative action is needed. America's biggest technology companies, the nation's major airlines, the backbone of the travel and tourism distribution system, and travel consumer advocates all are building the future – a better one with more traveling, faster IT, and even smaller computers. Let's not squander this opportunity.

Regards,

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