



Rhode Island Airport Corporation

August 13, 2002

Catherine M. Lang, Director
Office of Airport Planning and Programming
Federal Aviation Administration
800 Independence Avenue, SW
Washington, D.C. 20591

Dear Ms. Lang:

The Rhode Island Airport Corporation (RIAC) is in receipt of your letter, dated July 25, 2002, regarding our *Competition Plan Update, Federal Fiscal Year 2002* for T. F. Green Airport (Airport) submitted on May 2, 2002. As indicated in your July 25th letter, the FAA requests additional information before it can make a final determination as to whether our Competition Plan Update is in accordance with the requirements of Section 155 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR-21), Pub. L. 106-181, April 5, 2000. Your questions and requests are addressed below, categorized according to the applicable topics discussed in the FAA's Program Guidance Letter CO-1 (May 8, 2000).

1. Availability of Gates

"First, thank you for providing additional information regarding the procedures by which an airline may invoke the forced sharing of preferential-use practices. Please provide an update on the use of the forced sharing procedures to date. In particular, provide any information on when forced sharing was required, the carriers involved, the number of flights involved, and the timeline for accomplishing the forced sharing."

To date, the Airport's facilities have never been leased or occupied to the extent that RIAC has had to invoke forced sharing of preferentially leased facilities to accommodate a new or expanding airline.

"More importantly, we note that the procedures require carriers in the first instance to contact all lessees. Further, while lessees are required to respond to requests without undue delay, there is no fixed time-line set for a response. We are concerned that RIAC's current procedures could, in some cases, lead to undue delays in competitive entry or expansion. We recommend that RIAC adopt a policy of assisting new entrants in identifying potential voluntary sublease arrangements and to adopt and publicize procedures to invoke RIAC's assistance." As discussed in our May 2, 2002 submittal, the Airport Use and Lease Agreement (agreement) does provide RIAC the right to invoke a forced sharing of preferentially leased facilities to accommodate a new or expanding carrier. It also stipulates that this forced sharing can occur only after, among other requirements, the requesting airline has demonstrated that it has contacted all signatory airlines. In actual practice, the following steps are taken in the process:

- An airline notifies the Director of Properties or the Director of Public Affairs that it is interested in providing new or expanded service at the Airport.

- The Director of Properties or the Director of Public Affairs, who then serves as the point of contact with the requesting airline throughout the process, determines the availability of accommodating the airline. If it is determined that the facilities at the Airport cannot be met by use of then unleased premises, then the Director of Properties or the Director of Public Affairs will direct the airline to contact the signatory airline(s) that can best accommodate the request based on relevant operational factors (e.g., gate utilization, daily schedules, etc.).
- If the requesting airline cannot be accommodated by the signatory airlines on a voluntary basis, then the Executive Director shall invoke RIAC's right of forced sharing of preferentially leased facilities utilizing a priority system outlined in the Agreement.

As discussed above, the Airport's facilities have never been leased or occupied to the extent that RIAC has had to invoke forced sharing of preferentially leased facilities to accommodate a new or expanding airline. Recent sharing of gates that have occurred without delay at the Airport between new or expanding airlines and lessees include: Air Luxor (and other international charters) share with Continental; Air Ontario shares with United; Business Express shared with Delta; Eastwind shared with United; and Midway shared with American. Given the success of its gate-sharing process to date, RIAC intends to continue to proceed in this manner as it has in the past. However, if the Director of Properties or the Director of Public Affairs ever determines that the process leads to undue delays in competitive entry or expansion, then RIAC will immediately issue a policy statement to the airlines (based on its interpretation of Section 155 of AIR-21) which outlines the procedures to eliminate any future delays in the process.

2. Other Issues

"Additionally, our November 8, 2000 review letter encouraged RIAC to post its Competition Plan submittals and the FAA's responses on the PVD web-site. In reviewing your web-site, we were unable to access your FY 2001 Competition Plan. We encourage you to promptly post your FY 2001 Competition Plan and FY 2002 Competition Plan Update, as well as the FAA's responses, on the Airport web-site. If you have determined not to post the Competition Plan and related documents on your web-site, please inform us within 30 days of the method you are using to make these documents publicly available to facilitate accountability to the public and air travelers."

This material is currently not available on the Airport's web-site (www.pvd-ri.com); however, it is RIAC's intention to make the initial *Competition Plan* (submitted on September 29, 2000), *Competition Plan Update, Federal Fiscal Year 2002* (submitted on May 2, 2002), and the FAA's responses to these documents publicly available through our web-site. In particular, it is envisioned that the existing menu page on the left-hand side will be modified within 60 days to allow the public to directly access an Adobe Acrobat version of these documents (similar to the public's current access to the on-going Master Plan Update and EIS).

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We appreciate the opportunity to provide the FAA with this additional information regarding the May 2, 2002 submittal of our *Competition Plan Update, Federal Fiscal Year 2002*. If you have any questions or need additional information in determining our submittal to be in accordance with Section 155 of AIR-21, please call me at 401-737-4000.

Sincerely,



Michael Cheston
Executive Director

cc: Barry Molar, Manager
Airports Financial Assistance Division