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BEFORE THE  
DEPARTMENT OF TRANSPORTATION  
WASHINGTON, D.C.

DEPARTMENT OF TRANSPORTATION  
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DOCKET SECTION

Application of

**ATLANTIC COAST AIRLINES**

Docket OST 98 - 982 - 15

for an Exemption from Subparts  
K and S of Part 93 of the FAR's  
pursuant to 49 U.S.C. § 41714

**MOTION OF ATLANTIC COAST AIRLINES  
FOR A DECRETION**

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Dated January 28, 1999

BEFORE THE  
DEPARTMENT OF TRANSPORTATION  
WASHINGTON, D.C.

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Application of

**ATLANTIC! COAST AIRLINES**

Docket OST-98-3982

for an Exemption from Subparts  
K and S of Part 93 of the FAR's  
pursuant to 49 U.S.C. § 41714

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**MOTION OF ATLANTIC COAST AIRLINES  
FOR A DECISION**

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Atlantic Coast Airlines hereby requests the Department of Transportation to decide promptly the application of ACA for relief from the High Density Airport Rule (Subparts K and S of Part 93 of the Federal Aviation Regulations, 14 C.F.R. Part 93, Subparts K and S) and to grant it five slot exemptions to permit ACA to conduct Stage 3 regional jet flights between Savannah/Hilton Head and O'Hare International Airport."

ACA makes this motion at this time because it has a narrow window of opportunity to schedule Savannah/Hilton Head flights commencing in the Spring or early Summer of 1999 with one of the three regional jet aircraft that are scheduled to be delivered to ACA during this time period. As the DOT can appreciate, ACA must make immediate and efficient use of each of its newly delivered regional jet aircraft and cannot wait indefinitely to deploy its

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<sup>1/</sup> ACA, by the exercise of self help means will conduct one flight outside of the controlled hours at O'Hare which, when combined with the five requested exemption slots, will enable ACA to establish a pattern of three daily round trip Savannah/Hilton Head-O'Hare flights.

new aircraft because of the uncertainty surrounding the timing of the DOT's decision on the merits of ACA's Savannah/Hilton Head's request.

However, it is ripe to ask the Department to decide this matter at this time since American Airlines has just signaled its willingness to accept the reassignment of two O'Hare slots previously awarded to Reno, which is now under the control of American. See Answer of American Airlines, Inc. to Motion of United Airlines, Inc. to Reopen the Record, Docket 49743, OST-97-2771, January 19, 1999. With three remaining O'Hare slots available for award,<sup>2/</sup> the DOT now has a total of five O'Hare slots to dispose of if it decides to do so. ACA has more than amply demonstrated in this Docket and in Docket OST-98-4647 (in which American Eagle has played spoiler to the Savannah/Hilton Head community by applying late for Greenville/Spartanburg exemption slots), that the public will benefit by the grant of ACA's application either in its own right or when compared to the application of American Eagle.

Whatever the Department's reluctance to address ACA's application has been in the past, it is the time to do so now. A total of five slots are available for award and the communities of Savannah/Hilton Head, by and through their business and political leaders, have strongly supported the application of ACA. The DOT should not shirk its responsibility to further the interest of the traveling public nor allow to lay dormant the valuable opportunities

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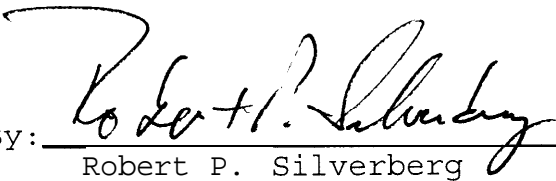
<sup>2/</sup> See, Order 98-9-24.

represented by the five unused O'Hare slots. Accordingly, ACA moves the Department to promptly act on, and approve, ACA's request to serve the Savannah/Hilton Head market. If action is taken swiftly, ACA will be able to schedule one of its Spring/ Summer regional jet deliveries to serve the route. With ACA's other route commitments at its growing hub at Dulles International Airport, it may not be able to again address the Savannah/Hilton Head market until some time in the future, and certainly long after Savannah/Hilton Head would prefer to receive service from ACA.

Respectfully submitted,

BAGILEO, SILVERBERG & GOLDMAN, L.L.P.


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By:   
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Dated: January 28, 1999

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing Motion for a Decision of Atlantic Coast Airlines on January 28, 1999 by first class mail, postage prepaid, to each of the parties on the following service list.

  
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