



**Aviation Consumer Protection Advisory Committee
(ACPAC)**

June 28 and 29, 2022 Meeting Minutes

Washington, D.C. 2022

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INTRODUCTION

Aviation Consumer Protection Advisory Committee (“ACPAC” or “Committee”) met on June 28 and 29, 2022, at DOT of Transportation Headquarters in Washington D.C. and using Zoom virtual platform.

Two topics were discussed at the meeting: (1) Transparency of Airline Ancillary Service Fees; and (2) Availability of Airline Flight Information. The meeting consisted of a morning and afternoon session each day, which included presentations and opportunity for discussion. The webcast of the meeting is available at:

<https://www.transportation.gov/airconsumer/ACPAC/June2022Meeting/webcast>.

In accordance with the Federal Advisory Committee Act, 5 U.S.C. App. 2, the meeting was open to the public. Information about the meeting, including the agenda, is available at <https://www.transportation.gov/airconsumer/ACPAC/June2022Meeting>.

Appendix A identifies the Committee members, agency employees, and others who attended the meeting. All presentation materials that were provided at the meeting are available for public review and comment at www.regulations.gov, docket number DOT-OST-2018-0190.

DAY ONE - June 28, 2022

Transparency of Airline Ancillary Service Fees

1. Welcome and Introductory Remarks

The first day of the ACPAC meeting began at 9:30 am ET, with Blane Workie, Assistant General Counsel for the Office of Aviation Consumer Protection (“OACP”) at the U.S. Department of Transportation (“DOT”) and the ACPAC Designated Federal Officer (“DFO”), calling the meeting to order, going over housekeeping matters, and introducing the Committee members: (1) Dana Nessel, Attorney General of Michigan, as the state or local government representative and chair of the Committee; (2) John Breyault, Vice President for Public Policy, Telecommunications, and Fraud at National Consumers League, as the consumer representative; (3) Patricia Vercelli, General Counsel, Airlines for America, as the airline representative; and (4) Mario Rodriguez, Executive Director of the Indianapolis Airport Authority, as the airport operator representative. Because Mr. Rodriguez was unable to attend, Keith Berlin, Senior Director of Operations and Public Safety with the Indianapolis Airport Authority served as his alternate.

Ms. Workie welcomed the participants to the meeting, reviewed logistical information, and gave an overview of the purpose and composition of the Committee. She also informed participants that individuals could post comments to the Committee’s docket.

Committee members had the opportunity to introduce themselves then John Putnam, the DOT’s General Counsel gave brief remarks.

2. Remarks by General Counsel John Putnam

Mr. Putnam welcomed everyone to the meeting and thanked the Committee members for dedicating their time to address aviation consumer protection matters. He noted that consumer complaints to DOT remain more than 300% above pre-pandemic levels and that there have been instances of widespread cancellations and delays over recent months. Mr. Putnam noted that the Secretary called a meeting of airline representatives to address these issues.

Mr. Putnam stated that as part of the efforts to further aviation consumer protection and civil rights in air transportation the DOT will be releasing soon the first ever Bill of Rights for Passengers with Disabilities, which will empower air travelers with disabilities to understand their rights. Mr. Putnam explained that the Bill of Rights provides a convenient, easy-to-use summary of existing law governing the rights of air travelers with disabilities.

Mr. Putnam stated that as step to create air travel system that works for everyone, the OACP issued a notice urging U.S. airlines to do everything in their power to ensure that children under the age of 13 are seated next to an accompanying adult with no additional charge. Mr. Putnam noted that the OACP will follow up with a review of airline policies and consumer complaints filed with the Department; and if airlines' seating policies and practices are barriers to a child sitting next to an accompanying adult, the Department will consider additional action consistent with its authorities.

Mr. Putnam stated that as DOT continues its work to enhance air travelers' safeguards as directed by the President's Executive Order on Promoting Competition¹, DOT recently amended its hearing procedures for future rulemakings related to unfair and deceptive practices by airlines and ticket agents. Mr. Putnam stated further that DOT's Notice of Proposed Rulemaking (NPRM) on airline ticket refunds is currently under review at the Office of Information and Regulatory Affairs (OIRA). After the NPRM is published, the ACPAC will meet again to discuss potential recommendations for a final rule. He pointed out that the OACP has initiated investigations against more than 20 airlines for failing to provide timely refunds, with one of those cases resulting in a record penalty.

Mr. Putman also stated that in response to Executive Order, DOT announced an NPRM on transparency of airline ancillary service fees. Specifically, the NPRM will consider whether the ancillary service fees should be disclosed during the booking process. Mr. Putnam noted that this topic would be discussed by the Committee at the present meeting.

Finally, Mr. Putnam noted that the Executive Order also directs DOT to consider ways of enhancing consumer access to airline flight information so that consumers can more easily find a broader set of available flights, including by new or lesser-known airlines – another topic that will be discussed in tomorrow's session.

¹ <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/07/09/executive-order-on-promoting-competition-in-the-american-economy/>

Mr. Putnam concluded by thanking members and attendees for their time and participation in the meeting.

3. DOT Presentation - Transparency of Airline Ancillary Service Fees

Presentation by Rob Gorman, Senior Attorney, DOT, Office of Aviation Consumer Protection (OACP)

Following the welcome and introductory remarks, the morning session of the meeting began. The Committee first heard from the DOT senior attorney Robert Gorman, who presented on transparency of airline ancillary service fees.

Mr. Gorman provided an overview of the DOT's work in the area of transparency of airline ancillary service fees. He explained that an ancillary service fee is a fee that an airline charges for a service separate from air transportation. Such services may include checked and carry-on bags, advance seat selection, upgrades, changes, and cancellations, wi-fi, entertainment options, and other innovative services. He explained that transparency generally means making sure that these charges are displayed clearly to consumers.

Mr. Gorman then explained DOT's existing regulations on this issue. The "full fare" rule does not apply to ancillary fees because these fees are not for air transportation. However, airlines must provide a single page containing all ancillary fee information on their website. Also, airlines and ticket agents must disclose and display in search results, that baggage fees may apply and where consumers can find them.

Mr. Gorman set forth the history of prior advisory Committees' recommendations with respect to airline ancillary service fees. Next, he noted that in 2014, DOT issued an NPRM with respect to transparency of ancillary fees, along with other consumer protections. Given the high volume of comments relating to transparency, DOT issued a supplemental NPRM on this issue in 2017.

The 2017 NPRM proposed that: (1) fees for a first and second checked bag and a carry-on bag be disclosed at all points of sale wherever fare and schedule information is provided to consumers; (2) that airlines must distribute useable, current, and accurate fee information to ticket agents and global distribution systems (GDSs); (3) information must be detailed enough to allow ticket agents to disclose fees as itinerary-specific or customer-specific (*i.e.*, fees that are differentiated based on factors specific to the passenger or proposed itinerary) charges; and (4) there would be no requirement that fees be transactable. The DOT withdrew the NPRM in December 2017, partly because doing so was consistent with an Executive Order that has since been revoked.

Mr. Gorman noted that Executive Order 14036 now directs DOT to consider rulemaking to ensure that consumers have ancillary fee information, including baggage fees, change fees, and cancellation fees at the time of ticket purchase. DOT has statutory authority to issue such rulemaking pursuant to 49 U.S.C. 41712, which prohibits unfair or deceptive practices in transportation or the sale of air transportation. DOT regulations define a practice as unfair to consumers if it causes or is likely to cause substantial injury, the injury is not reasonably avoidable, and benefits to the consumer or competition do not outweigh the harm. A practice is deceptive if it is likely to mislead a consumer, acting reasonably under the circumstances, with respect to a

material matter. A matter is material if it is likely to have affected the consumer's conduct or decision with respect to a product or service.

Mr. Gorman explained that DOT recently announced an NPRM on transparency of airline ancillary service fees, scheduled to be issued in October 2022. The NPRM would ensure that consumers have ancillary fee information, baggage fees, change fees, cancellation fees, and seating fees that impact families traveling with children at the time of ticket purchase. DOT will also propose to examine whether fees for certain ancillary services should be disclosed at the first point in the search process.

Questions and Answers

After Mr. Gorman concluded his presentation, the Committee was then invited to ask questions and make comments.

- Ms. Workie clarified that the 2017 NPRM proposed to require transparency just for checked baggage and carry-on bags, but it did ask questions about advanced seat assignments and changes and cancellation fees.
- Mr. Breyault observed that the NPRM speaks of two-timing elements: (1) the time of ticket purchase and (2) the first point in the search process. He asked whether there is a distinction and whether it is relevant.
 - Ms. Workie replied that DOT's use of both time frames is intentional: the Executive Order references the time of ticket purchase, but DOT is also considering whether to require transparency at the time of the initial search. Ms. Workie indicated that final decisions have not yet been made, but DOT encourages discussion on this topic.
- Mr. Breyault remarked that baggage, change/cancellation, and seat reservation fees (including family seating) are the three biggest "pain points" for consumers, and that DOT's NPRM should be informed by the work of the Federal Trade Commission (FTC), which found that presenting consumers with information earlier in a process is useful for purchase decisions but should be balanced against overwhelming consumers with too much information.
- Ms. Vercelli asked whether there have been DOT enforcement actions related to transparency.
 - Ms. Workie and Mr. Gorman mentioned a February 2022 consent order against a ticket agent concerning, among other things, misrepresentation regarding cancellation and refunds charges as well as an accurate baggage fee information.
- Ms. Vercelli asked whether DOT received many consumer complaints in this area.
 - Ms. Workie replied that OACP does receive complaints about ancillary service fees. Complaints on family seating tend to be low, but DOT remains concerned because of its impact on the family when parents cannot sit next to a young child.

- Ms. Vercelli asked what had changed such that DOT is proposing a rulemaking when prior advisory Committees (including the most recent 2019-2020 ACPAC) had not recommended rulemakings.
 - Ms. Workie noted that the factors leading to the announcement of the current NPRM are the consumer complaints to DOT, ongoing concerns from members of Congress and consumer advocacy organizations regarding ancillary fee transparency, and the Competition Executive Order asking DOT to consider such a rulemaking.

4. Consumer Perspective

Charlie Leocha, Travelers United

Mr. Leocha stated that as a consumer advocate, he has been working on the issue of transparency of ancillary fees with airlines, GDSs, travel agents, and DOT since 2010.

He noted that at that time, DOT enacted the “full fare” rule and rules regarding general ancillary fee information, but that information was not linked to a passenger’s specific flight.

He noted that in the past, people may not have known about baggage fees and change/cancellation fees, but today most people at least know that they exist. He stressed, however, that consumers still do not know the specific amounts of these fees during the purchasing process.

Mr. Leocha stated that the lack of transparency of ancillary service fees has contributed to the rise of low-cost (LC) carriers such as JetBlue and Southwest; and ultra-low-cost carriers (ULCCs) such as Spirit, Frontier, Breeze, Avelo, and Aha in the marketplace. He stated that there is a point where too much information is hard to digest and that consumers are saturated with too many fees. Still, ancillary fees like baggage, change/cancellation, and family seating should be accessible within the booking pattern. He stated that consumers who do not want to know should be able to opt-out of seeing those fees. After expressing his views about a possible merger of Spirit with Frontier or JetBlue, he indicated that ancillary fees would become more important as more ULCCs enter the market.

Regarding seating, Mr. Leocha stated that because airlines have started to charge for seating assignments, consumers have become more “entitled” to their seats and have become less willing to shift seats onboard to accommodate families with small children. He stated that Travelers United supports DOT’s “masterfully created” NPRM because it deals with family seating, provides greater transparency on ancillary fees to those who want it, and allows an opt-out for consumers who do not wish to engage with that information.

Andrew Appelbaum, FlyersRights

Mr. Appelbaum stated that the full fare rule benefited consumers and leveled the playing field by ensuring unscrupulous airlines could not advertise artificially low prices. He called for the end of airline practices to impose surprise fees, "gotcha fees," and fees with no relation to the cost of the service. Mr. Appelbaum stated that according to American Airlines, about 80% of consumers fly an average of once per year or less; therefore, they may not be aware of different airlines' pricing models. Many of these individuals will be aware of ticket unbundling, but they may not be aware of new types of fees such as seat selection fees, early boarding fees, boarding printing fees, and Wi-Fi fees.

Mr. Appelbaum stated that at a basic level, consumers want to know how much it will cost them and their bags to travel, and they want to know what happens when something goes wrong, and they must cancel or change their flights. He explained that airlines often tout the benefits of market forces, but markets require informed consumers. He noted that ancillary fee revenue has risen from \$1.2 billion in 2007 to \$35.2 billion in 2018, according to the fact sheet from the executive order. He noted that the typical consumer would search for an appropriate itinerary and the best price, and after selecting the flight and inputting personal information, they will realize that fees for services exist and how much they will cost. He stated that this is an example of drip pricing, a pricing technique defined by the FTC in which firms advertise only part of the price and reveal other chargers later as the customer goes through the buying process. Concerning baggage fees, he stated that airlines vary in terms of how many clicks a consumer will have to take to learn the fees for a carry-on and two checked bags. Some (like Southwest) advertise the lack of bag fees, while for other airlines, it can take between 2 and 21 clicks to find baggage fee information. He added that some airlines have a flat fee regardless of the segment, while others have fees that vary depending on the flight, the time, and the day.

Mr. Appelbaum stated that change and cancellation fees can be very and should be made more prominent and related to the cost of the service provided. He further stated that FlyersRights proposes the following: first, consumers should be able to input up to one carry-on bag as a search term; next, the first page where the price is quoted must include the fees for the number of bags selected with a pop-up scroll displaying the flight-specific change and cancellation fees and the flight-specific on-time and cancellation statistics; on the next page, there would be space to display the total price, specific bag fees, change fees, and on-time performance data, and other ancillary fee information such as seat selection, sports equipment, oversized baggage, unaccompanied minors, Wi-Fi, and water; and finally, a post-confirmation page would include a menu of all the ancillary fees that may arise after the consumer purchases the ticket in one location and a consumer-friendly format.

Mr. Appelbaum concluded that for market competition to prevail truly, airlines need a floor of transparency which can only be accomplished by upfront disclosure of bag fees, cancellation fees, and change fees, as well as other fees.

5. Other Perspective

Diana Moss, American Antitrust Institute

Ms. Moss stated that the pandemic reinforced the growing concerns about ancillary fees, noting that while airline revenue from fares fell between 2019 and 2020, ancillary revenue per passenger increased. She added there was a higher demand for seating near the front of the aircraft to avoid aisle congestion and more demand for checked bags, as business travel was limited. Ms. Moss added that although cancellation fees were discontinued at the beginning of the pandemic, such fees have returned. She stated that American Antitrust Institute (AAI) urges the DOT to consider the legacy of the pandemic when considering new regulations on ancillary fees, adding that dynamic pricing for ancillary fees is here to stay. She stated that current technologies enable entities to harness consumer data to specify the pricing of ancillary services.

Ms. Moss stated that, as a guiding principle, the DOT should design ancillary fee policies to provide full fee information upfront so that consumers can make informed purchasing decisions based on the total cost of their itineraries. She stated that the airline industry is not a very competitive landscape concerning domestic scheduled air passenger service and that the industry concentration affects cancellation and fees. She added that airlines have stronger incentives to coordinate on ancillary fees to maintain a system of non-transparency. She noted that a lack of ancillary fee disclosures, including drip pricing practices, locks consumers to higher costs and suppresses competition. She stated that this lock-in effect allows the airlines to leverage their market power from airfares into ancillary services.

Ms. Moss also discussed competition issues between online travel agents (OTAs) and metasearch platforms. She noted that there had been significant consolidation in distribution channels, with enhanced potential for discriminating among consumer classes on ancillary fees. She stated that artificial intelligence and machine learning create increased potential for the exploitation of consumers through discrimination at the ancillary fee level. Ms. Moss recommended that the government consider doing a comprehensive study on ancillary fees given current circumstances (*i.e.*, the proliferation of fees, concentration in the industry, and the importance of ancillary fee revenue to airlines) to assess the impact of ancillary fee information on different customer classes. She then called for a framework for sharing ancillary fee information across all channels, noting that airlines are restrictive on the type of distributors to which they provide ancillary fee service information.

Ms. Moss expressed her belief that no opt-out option on ancillary fee information should be considered and that consumers can choose whether to compare ancillary fees or consider the impact of ancillary fees on the final cost of their itineraries. She also stated that antitrust experts consider a airlines' web pages with lots of ancillary fee information as a way for airlines to share information among themselves, which could facilitate coordination or collusion. She distinguished between sharing information on a separate web page from sharing information with the consumer as part of the booking process. Ms. Moss also stated that airline mergers should be explicitly

examined for their effect on eliminating competition on ancillary fees, which she noted is especially true for ULCCs.

Questions and Answers

After Ms. Moss concluded her presentation, the Committee was then invited to ask questions and make comments to the consumer advocates and Ms. Moss.

- Ms. Vercelli asked Mr. Appelbaum to confirm whether information on ancillary fees is presented to consumers prior to ticket purchase.
 - Mr. Appelbaum stated that the information is provided before purchase but added that consumers often must make several clicks before they find actual baggage fee information.
- Attorney General Nessel asked for clarification on how families traveling with minor children experience air travel considering additional charges for adjacent seating.
 - Mr. Appelbaum responded that some people do not necessarily know at booking that they will not be able to sit next to their minor child without paying a fee, and some consumers wait until the actual flight. Mr. Appelbaum explained that at the same time, other consumers who pay a seat fee might be less willing to move their seats, creating confusion. He added that families sitting apart cause some danger in emergency evacuation settings, as parents may seek out their children first instead of following the evacuation procedures. Finally, Mr. Appelbaum stated that because seat selection is not displayed on the first page when consumers are comparing flights, there is no way for consumers to compare seat fees.
 - Mr. Leocha added that studies had shown that children younger than 13 years old have faced sexual assault while traveling separately from their parents.
 - Ms. Workie reiterated that family seating is an issue that the DOT is looking to take further action on due to the magnitude of the harm that can occur.
 - Mr. Leocha and Ms. Moss expressed their view that the current practice of imposing fees for families to sit together should not be tolerated.
- Mr. Breyault remarked regarding Mr. Applebaum's presentation that, similarly to Mr. Applebaum, when preparing a similar presentation in 2019, it took him 16 clicks to get to the information necessary to accurately compare the cost of flying from Washington to Miami on just two airlines. Mr. Breyault pointed out that since 2019, with the birth of LCCs, it has become even harder for consumers to comparison shop. Mr. Breyault reiterated a concern from Ms. Moss' presentation that airlines apply inconsistent terminology about ancillary fees. Mr. Breyault also noted that concerning family seating, some consumers who are concerned about not being able to sit with their minor children are paying seat reservation fees that they otherwise wouldn't if they knew they were going to be sitting with their children. Mr. Breyault suggested that the Committee consider how fears about being unable to sit with their minor children affect consumers' purchasing decisions and, ultimately competition. He noted that he would prefer a buying experience where a consumer is provided the fare price alongside the

baggage, cancellation, change, and seat reservation fees on the same screen.

- Ms. Moss clarified further her statements about the need for a guiding set of principles to handle ancillary fee transparency questions. She stated that the ancillary fee space is dynamic, which necessitates a broader set of guiding principles so that the DOT does not have to conduct subsequent rulemaking to address changes in technology, policies, and other factors. She expressed her belief that principles and standards about upfront disclosure and how it will be done to enable consumers to make fully informed decisions and not be locked into pricing is what is needed.
- Ms. Vercelli questioned whether airline practices are unfair or deceptive. She stated that despite regulations on this topic, there had been few enforcement actions involving misrepresentation of pricing. She said there was a tendency to want to regulate the worst actors who should be punished through enforcement actions rather than piling on another regulation. She asked the presenters how new regulation would fix the issues raised without proper enforcement.
 - Mr. Leocha responded that the larger airlines have started to derive greater revenue from ancillary fees rather than from airfares and that the airlines do not inform consumers about those fees upfront. He stated that there's a shift in the way the aviation system is collecting revenue that needs to be addressed by the DOT. Mr. Leocha also expressed his view that the current practice for handling families is wrong. He added that the consumer protections being discussed are part of an aviation wish list that are not enforceable because they are subject to the terms airlines put into their contracts.
 - Ms. Moss followed by stating that rulemaking on ancillary fees and transparency would set the road map, including what type of conduct is acceptable to promote competition and protect consumers. She added that the market power of consumers has significantly eroded through nondisclosure and restrictive practices on distribution. She stated that such "rules of the road" have been used in other industries, such as railroads and electricity and that with such a framework, there can be enforcement for violations.
 - Ms. Workie also responded by stating that enforcement is only as good as the regulation and that the DOT found that the rules issued in 2011 are not working as envisioned. She explained that although airlines are adhering to the existing disclosure requirements, consumers have not found the disclosed information useful.

Ms. Workie then offered other attendees the opportunity to present questions for the panel.

- Mr. Mullen (Airlines for America) asked whether consumer groups were concerned about consumers receiving ancillary fee information that was not applicable to them if fees were required to be disclosed early in the search process and consumers did not input status information that would impact those fees.
 - Mr. Appelbaum stated that most consumers would not have the status that will entitle

them to those lower fees, as consumers mostly fly only once per year.

- Ms. Workie added that the 2017 ANPRM addressed this question and proposed requiring the airlines to share data with ticket agents and rules regarding fees impacted by status. She stated that the information provided to consumers would only be as accurate as the consumer's inputted information, and the consumer has some responsibility to provide the airline or agent correct information about their status. She noted that decisions have not been made regarding the current NPRM.

The members then adjourned for lunch.

[AFTERNOON SESSION]

6. Ticket Agent Perspective

Eben Peck, American Society of Travel Advisors (ASTA)

Mr. Peck introduced himself and stated that ASTA is trade association for a part of travel industry. He explained that ASTA has 17,000 member companies encompassing every type of travel agency and business model. Mr. Peck stated that as of 2018, there were 11,000 retail travel agency locations across the country, a little over 100,000 W-2 employees and 60,000 independent contractors or independent travel advisors. He noted that travel agents' industry is alive and thriving. Mr. Peck pointed out that 44% of air tickets were sold by travel agencies (excluding OTAs), 39% of air tickets were sold on airline websites, and 12% of air tickets were sold by OTAs, with 5% through offline direct channels (by calling the airline). Mr. Peck then explained that there are various ways that ASTA members can interact with their clients. Mr. Peck stated that most travel agencies, especially mid-size and larger, have online booking tools on their websites, allowing consumers to search and book travel. Consumers can also book through phone, email, text, or chat. He noted that corporate agencies rely heavily on GDSs, with leisure, retail, storefront agencies (LRS) and home-based agencies booking less frequently on GDSs. He pointed out that the latter two groups booked through other channels at higher percentages than corporate agents.

Mr. Peck then discussed the DOT's 2017 proposals to address ancillary fee transparency, which he noted was still a salient issue with agencies. He stated that providing customer-specific information is important because fees can vary dramatically, and agencies are concerned with giving consumers valid and seamless access to fee and allowance information. He added that agencies agreed with the 2017 proposal to require airlines to provide usable, current, and accurate information on airline bag fees to ticket agents, sufficient to allow ticket agents to express fees as itinerary-specific or customer-specific charges. Mr. Peck also stated that agencies agreed with the 2017 proposal to only require specific fee disclosures on request when consumers are engaged in oral communication with agencies (i.e., phone or face-to-face). He stated that there were existing disclosure burdens on travel agencies and limiting the amount of disclosure was preferable.

Mr. Peck noted some items travel agencies wanted to be modified over the 2017 proposal. He stated that full transparency includes the ability for travel agencies to purchase ancillary services for their clients if they elect to use that sales channel. He noted that this would make sense since approximately 50% of consumers use travel agencies to purchase tickets. Mr. Peck stated that ASTA's members also identify seat and cancellation fees, in addition to baggage fees, as the biggest pain points, and those seat fees, in particular, generate a lot of complaints. He added that change and cancellation policies frequently change, so those fees and their associated policies concern consumers. He noted that ASTA's members are pleased to see the DOT addressing this issue.

Mr. Peck concluded that the DOT's upcoming rulemaking should consider that about half of air tickets are purchased through travel agencies. He also stated that fee rules should be disclosed if they differ from the fare rules. He also noted that policies needed to be made future proof to changes in the industry, including unbundling and re-bundling of certain services.

Mike Liptak, Travel Tech

Mr. Liptak described Travel Tech's member segments, starting with GDSs, which he described as travel industry data networks that connect service providers, airlines, hotels, cruise companies, car rental companies, tour companies, and others with travel agents. He added that GDSs help book more than 40% of flights worldwide. Mr. Liptak also spoke about online travel agencies, which partner with travel suppliers to market products to consumers. He stated that OTAs have more than 515 million average monthly visitors to their websites, where consumers shop for travel and compare prices. Mr. Liptak added that consumers benefit from comparison shopping and OTAs provide the tools to help people find options.

Mr. Liptak then spoke about metasearch platforms, which display travel options and direct consumers to supplier and OTA websites to book travel. He added that some metasearch sites had developed booking tools to enable consumers to book on their platform without leaving the metasearch environment. He noted that studies suggest about 50% of consumers start their search on a metasearch platform, with consumers benefiting from a competitive marketplace and lower-cost options. Mr. Liptak then spoke about travel management companies (TMCs), which are travel agents that fully manage travel requirements for businesses and individuals. He added that TMCs serve companies and organizations by providing expertise and guidance on the entire booking process.

Mr. Liptak stated that Travel Tech has advocated for greater price transparency and for enhancing consumers' ability to compare, as ancillary fees constitute a meaningful percentage of consumers' total cost for air travel. He noted that separate from the rulemaking, ticket agents, including GDSs, have been working with airlines through individually negotiated agreements on making some basic ancillary service fees more transparent. As a result, OTAs can offer ancillary services to customers through GDSs and direct connections with airlines, but not all online agencies can offer ancillary fees, according to Mr. Liptak. He also added that the access level depends on an airline's decision to provide data. Mr. Liptak pointed out that any progress on transparency made from

negotiated agreements between airlines and ticket agents could be revised or terminated over time, so he said that Travel Tech supports the DOT's upcoming rulemaking.

Mr. Liptak stated that the DOT's rule should reflect recent marketplace developments and enhance the transparency of core ancillary fees, such as baggage, priority boarding, seat, change, and cancellation fees. He also advocated for the fees to be provided in a transactable format. He stated that the DOT should ensure access to ancillary data across all travel distribution systems and provide for broad availability to many modes that consumers use to book tickets. He added that as ancillary fees are constantly fluctuating, up-to-date fee information is needed in order for consumers to make informed purchasing decisions.

Kirsty Ireland, Skyscanner

Ms. Ireland stated that Skyscanner is a metasearch platform that allows consumers to compare flights from different sources (*e.g.*, airlines, OTAs) and directs the consumer to the source of the selected flight (*i.e.*, the airline's website or the OTA's website). She stated that Skyscanner supports rulemaking that will make it easier for consumers to find flight and ancillary service information, particularly baggage and seat selection data. She noted that the market's unbundling of fares and ancillary fees had benefited consumers by providing flexibility for travelers. However, the manner in which unbundled fees are displayed to consumers may inhibit consumers' ability to make comparisons. Ms. Ireland added that many of these elements are outside metasearch platforms' control as airlines dictated how to categorize ancillary fee information when they share it with metasearch platforms. She pointed out that many airlines refuse to provide information directly to metasearch platforms.

Ms. Ireland stated that consumers see little consistency in what is offered to them. She noted that some airlines allow consumers to choose a specific seat with a basic economy fare, while others do not. Some allow overhead bin space, and others do not. She added that airlines are also inconsistent in how airlines pass ancillary information to metasearch platforms. Ms. Ireland stated that travelers should be able to obtain price information that includes core necessary ancillary services. These include checked baggage and seat selection so that families can sit together. She stated that suppliers should be required to provide ancillary content and basic fare information, and they must be made to do so accurately. She expressed that metasearch sites should not be deemed responsible or non-compliant if airlines do not provide them with necessary ancillary information.

Phil Nicholas, Amadeus

Mr. Nicholas stated that Amadeus is a GDS (*i.e.*, a software company dedicated to the global travel industry). He noted that currently, over 200 airlines use Amadeus's software to conduct business. Ms. Nicholas stated that their systems organize data for TMCs and other sellers so that those entities can identify and display the information for end consumers who book tickets.

Mr. Nicholas described the history of the services provided by GDSs, noting that circumstances are more complex today. He said airlines provide content to multiple GDSs, aggregators, airline

portals, and travel agencies. Mr. Nicholas stated that 60-80% of all content previously went to GDSs; today, this number shrank to a little over 20% as airlines have redirected travel to their websites and at the expense of consumers who use indirect channels to seek pricing and transactability. He stated that consumers have better costs and benefits when comparing options easily. Finally, he spoke about new distribution capability (NDC), which he described as workable but unable to resolve the transparency issues being discussed.

Mr. Nicholas stated that Amadeus supports fee transparency for consumers to compare airline prices effectively. However, he added that the information must be accurate and comprehensive. He said that past efforts by the DOT to conduct rulemaking on distribution issues were steps in the right direction and that the need for transparency has grown as airlines continue charging for separate services that were once included in the base fare. Mr. Nicholas expressed his view that different fare types and fees should be shared with GDSs to enable the marketplace to improve. He stated that airlines need to cooperate so that consumers using indirect channels can see the information that is required in order to make decisions. He added that certain airlines reserve certain fares and ancillary services to their direct distribution channels to drive more traffic to their websites and gain more control over their offers. Mr. Nicholas noted that such actions make comparison shopping more difficult as the consumer is not fully aware of all options.

Mr. Nicholas stated that airlines that partner with GDSs have previously negotiated contracts that state that the airline will provide full content, which is all or virtually all of the airline's fare and fee content, in return for a reduced booking charge or other negotiated booking benefits. He then stated that in the past years, more airlines are moving away from full content agreements to other types of distribution agreements wherein they do not share their full content with GDSs but reserve certain ancillary information for non-GDS channels. He noted that there was a risk of reduced transparency as contracts are renegotiated going forward.

Mr. Nicholas stated that Amadeus would support a DOT proposal to require airlines to provide ancillary fee information upon request to indirect channel platforms. He added that such information should include carry-on baggage fees, first and second checked baggage fees, priority boarding fees, and related terms and conditions. Mr. Nicholas also recommended that ancillary service fees be provided in a format that allows consumers to purchase services from travel agencies so that consumers can complete their entire transaction at the time of purchase. He stated that allowing transactability would reduce the need for consumers to engage in transactions with both a ticket agent and an airline.

Questions and Answers

The Committee was then invited to ask questions.

- Mr. Breyault noted that he did identical trip searches on Skyscanner and Google flights, and that the latter site adjusted the fare based on whether he indicated that he would travel with bags. He stated that Skyscanner instead provides a list of airlines that the consumer has to search through to find applicable fees. Mr. Breyault asked whether this was causing Skyscanner and other sites that do not state prices inclusive of fees to be less attractive and

lose business to other companies.

Mr. Nolan responded that Skyscanner has taken this approach to presenting information because it wanted to provide only accurate information to consumers and did not want to guess about baggage fees and inclusions. Mr. Nolan noted that other metasearch platforms may try to share approximations at what is included in the price with some caveats buried. Skyscanner acknowledged that it would make the metasearch site more attractive to have fee information to incorporate into the price.

- Mr. Berlen asked the speakers whether airlines were forthcoming with their ancillary fees or whether they have been cooperative in producing those fees when requested by ticket agents.
 - Mr. Nicholas commented that it is important to the larger airlines to use ancillary fees as a potential bargaining chip, but as airlines also want to increase the revenue, he noted that there is incentive for airlines to work with Amadeus so that ancillary service information is available to be transacted. Mr. Nicholas stated that airlines have been pulling back on providing ancillary fee information, however, since the airlines prefer driving consumers to their websites.
- Ms. Vercelli asked Mr. Peck about the composition of the earlier mentioned 44% of air ticket sales by travel agents. Specifically, how much of that is corporate clients versus individual consumers?
 - Mr. Peck stated that out of 44% of air tickets sales by travel agents, 26% are corporate sales and 18% leisure travelers (individual consumers). Ms. Vercelli then asked how GDSs make money.
 - Mr. Nicholas responded that airlines give them data and the GDSs load it into the system, and the airline pays a booking fee as consideration for GDSs like Amadeus putting the airline's information on their website.
- Ms. Vercelli stated that at a prior ACPAC meeting, ticket agent representatives did not support mandatory ancillary fee distribution rules but supported oversight as the market evolved. She asked what circumstances changed to make Travel Tech feel differently.
 - Mr. Liptak stated that in 2014 Travel Tech agreed with DOT when one of the proposals was about transparency and transactability. Mr. Liptak said that Travel Tech has been consistent in its position ever since and further noted that at the time of the last ACPAC meeting in 2019, to which Ms. Vercelli was referring, there were no pending rulemakings regarding transparency of ancillary fees.
- Ms. Vercelli asked whether it is Travel Tech's position that its members' contracts with airlines should be terminated, and the data shared for free with customers.
 - Mr. Liptak responded in the negative and added that the marketplace is evolving, and while contracts are being signed, the benefits can go away over time without regulation. Mr. Liptak also stated that Travel Tech has never called for mandatory participation from

airlines.

- Mr. Nicholas stated that contracts will not just go away and that airlines who want to participate in indirect channels will sign the corresponding agreements. Instead, what could go away are full content commitments, which typically are amendments or addendums to basic agreements, where in exchange for a reduction in the booking fee, the airlines agree to give full content that includes fare information, ancillary services, and other information. However, Mr. Nicholas noted that many major airlines could and do decide not to have full content agreements with GDSs, and he acknowledged that was the dynamic.
- Mr. Breyault noted that the DOT has not been directed to get involved in contractual negotiations between indirect channels and air airlines. He stated that, from a consumer point of view, he cares about receiving the information to make an informed purchasing decision and is less concerned about how the information flows between indirect channels and airlines. He expressed his view that the focus should be on what consumers are being presented. He added that if information is mandated to get to consumers at the point of sale and throughout the booking process, the indirect channels and airlines can figure out how to do that.
- Ms. Workie commented that the 2017 SNPRM proposed to require airlines to share data with all ticket agents, including GDSs, metasearch platforms, and OTAs, and she noted that if the focus is on the end consumer, the DOT was interested in knowing how it can ensure consumers have the information with as little impact on the contractual relationship between airlines and ticket agents.

7. Airline Perspective

Doug Lavin, International Air Transport Association (IATA)

Mr. Lavin started by discussing the travel agency distribution network. He stated that the travel request goes through the travel agency, which requests an offer. The agent pings a relevant GDS for fare and availability, prepares the offer and then presents it to the traveler. He stated that if the traveler accepts the offer, the GDS hopes to book in the airline inventory, which is when the airline learns that a consumer has purchased a ticket. Mr. Lavin stated that airlines file fare conditions and ancillaries with ATPCO and industry databases like OAG. GDSs then provide the OAG data to travel agents to enable them to create offers for consumers. Mr. Lavin stated that obtaining information on ancillary fees is more difficult through indirect channels as the GDSs were slow to adopt internet-based systems. He added that GDSs also charged airlines for inferior service that took too long to implement, even today. Mr. Lavin also stated that the additional problem was that the airline would not know who purchased the ticket until the transaction was completed.

Mr. Lavin stated that airlines had modernized airline distribution. He noted that rather than relying on agents to create offers based on inferior data, airlines began creating data on fares and

ancillaries in their own environment and distributed that data directly to agents. He stated that the industry developed NDC, which is an internet-based transmission standard that allows airlines to deliver content on their websites directly to agents. He added that NDC enables apples-to-apples comparisons of information for consumers (which airlines are not in the position to do), and he stated that the NDC allows airlines to personalize information based on consumer status, needs, and other criteria.

Mr. Lavin stated that 69 airlines are NDC-certified, but the adoption has taken time because the GDSs were not happy with NDC, which was seen as circumventing GDSs. In addition, he stated that travel agents also resisted NDC because travel agents get fees for the number of transactions, they transact through GDSs, which would diminish if information bypassed GDSs. Mr. Lavin then stated that long-term contracts between airlines and GDSs prohibit the use of NDC. Hence, airlines had to renegotiate contracts or wait until the contract expiration to implement NDC. In addition, Mr. Lavin stated that airlines must expend significant efforts to implement NDC, which involves changing their systems and processes.

Mr. Lavin stated that OTAs are primarily concerned with fare and availability, which evidence suggests is the most important thing to most consumers. He stated that OTAs focused on those two pieces of information given limited website space; however, he added that some OTAs also display ancillary information. He stated that the OTAs could not personalize the experience because the airline does not know who is booking the flight at the time of an itinerary search and does not have the direct connection to relay the information needed. Mr. Lavin stated that NDC would provide that direct connection and offer more robust information.

Mr. Lavin disagreed with other speakers who called for ancillary services to be transactable through ticket agent points of sale, stating that agents and GDSs want this access because they want to make money off the ancillary service transactions.

Mr. Lavin concluded that there is no market failure or deceptive practices. He stated that the information was available, even if the personalized experience does not yet exist without a direct connection to the airline.

Neil Geurin, American Airlines

Mr. Geurin stated that many airlines have eliminated change and cancellation fees and that American Airlines does not intend to bring such fees back. However, he said that American Airlines still charges for seats and bags. Mr. Geurin noted that American Airlines works with online travel agencies like Expedia and other leisure providers, including Carnival Cruises. He stated that to improve transparency, and there should be a normalized way to deliver information to travel agencies and GDSs from airlines. Mr. Geurin explained that in the industry, it is understood that IT service providers are the entities that companies pay for. Although people may think GDSs are the IT service provider for travel agencies, the reality is that airlines pay a booking fee for every booking. He added that GDSs then pay the travel agencies for using their systems. Mr. Geurin stated that American Airlines pays about \$2 per segment for every booking, with the GDS remitting some or most of that to the travel agency.

Mr. Geurin stated that the travel agent uses GDS tools to search for a schedule and fare, but that's all the information that is accessed. He stated that in some cases, a full content commitment might exist. Still, the information may not be available to agents because GDSs have not updated their technology to make it available to travel agencies. He stated that American Airlines sees this as a problem since the airline wants travel agencies to have access to ancillary services to drive better customer satisfaction. However, he acknowledged that providing these services also earns revenue. He stated that American Airlines started work in 2006 on the NDC to bring additional information to agencies, and IATA later adopted the NDC. However, he noted that there was still slow adoption, with people seeing NDC as a workaround to avoid paying the GDSs (which would then pay the agencies), and some agencies wanted the information to come through GDSs because those are the entities with which they interface.

Mr. Geurin stated that American Airlines offered to pay travel agencies directly to accept the information and later agreed to partner with GDSs to bring the content to agencies. Mr. Geurin stated that by 2020, one of the GDSs had integrated NDC into their displays, and another added the capability in 2021 or 2022. He added that one GDS still does not have the capabilities of the others.

Mr. Geurin stated that American Airlines sees value for consumers in having access to bag costs and selecting seats during the booking process. He used one OTA as an example of where consumers can access American Airlines' flights and ancillary information, as American Airlines and the OTA are connected. He added that for families, it was important for consumers to be able to select the seat during the booking process and not figure out seat selection some other way. He noted that American Airlines prefers not to have to move people around on the plane on the day of travel.

Mr. Geurin states that one GDS makes almost all the bookings with American Airlines through travel agencies due to its dominance in the domestic U.S. market. He noted that that control diminishes the competitive marketplace, as the travel agencies that sell trips on American Airlines mostly do business with this GDS. He stated that the GDS is not incentivized to improve its technology as a result.

- Attorney General Nessel asked whether a new rule could force parties to work together to ensure that information makes its way properly to consumers instead of an archaic distribution system.
- Mr. Geurin stated that plenty of parties are already working together and that many airlines are connected to different entities like OTAs and getting better information to consumers.
- Ms. Workie asked whether a rule requiring information to be disclosed at all points of sale by ticket agents, including metasearch entities, would improve American Airline's existing contracts with GDSs.
- Mr. Geurin stated that if a rule was written that way, he does not think it would resolve the problem, adding that the information has been available for a long time but is not

showing up on the consumer end because of the GDS. However, he acknowledged that it was possible that some airlines were also not giving the information.

- Ms. Workie then asked if a rule required OTAs to display American Airlines fares with ancillary services, how would American Airlines assist in enabling OTAs to comply?
 - Mr. Geurin responded that agencies that are connected to American Airlines via NDC would make it easier for American Airlines to transfer the information.

Mr. Geurin stated that he believes there would be a greater willingness for agencies to connect with the airline if the agencies could not share fare information without being required to show ancillary fees. He also added that customer intervention should be beyond the airlines being mandated to provide the information. He stated that if airlines are required to give ancillary information to agencies, and then agencies say they will get the information from GDSs, the GDSs can say that airlines can have the contract that includes full content, but they will need to pay for it.

- Ms. Workie followed up by asking for Mr. Geurin's opinion on whether airlines should provide ancillary information to metasearch platforms, regardless of the intermediary distributing such information.
 - Mr. Geurin stated that he believed it would increase the likelihood of agents wanting to connect directly to airlines who were sharing ancillary information. He added that he thinks airlines would still need to spend money to allow for the direct connection but that many would be willing to do so. Regarding the timeframe, Mr. Geurin stated that the direct connections could happen now since many airlines can already provide the information. Still, he noted that the GDSs in the U.S. are not ready yet and could be in another two to four years.

Rana Ghosh, Spirit Airlines

Mr. Ghosh stated that consumers understand Spirit Airlines' model of unbundled ancillary services. He added that Spirit Airlines airline's consumers are primarily leisure travelers who pay for their flight and are more price sensitive when compared to consumers of the legacy airlines. He stated that he sees Spirit Airlines as bringing consumers into the marketplace who could not travel before due to lower unbundled pricing. Mr. Ghosh said that Spirit Airlines recognizes the need for disclosure and education. The airline places ancillary service information on separate website pages, from which the consumer can initiate a booking. He then walked through the booking process on Spirit Airlines' webpage, noting that consumers could add a service and view the running total for the booking. He also stated that Spirit Airlines does not want to provide consumers with too much information early in the process because it may not be relevant to consumers. However, he stated that Spirit Airlines provides consumers transparency by continuing to communicate to consumers about what they're buying.

Regarding distribution, Mr. Ghosh stated that Spirit Airlines takes an agnostic approach to selecting distribution channels in the marketplace. He noted that the airline is interested in having

consumers purchase the same items on any channel that the consumers would have been able to purchase directly at the airline's website. He added that Spirit Airlines has moved all of its GDS relationships to include NDC capabilities and expects to be fully NDC-ready by the end of 2023.

Mr. Ghosh expressed concern with a one-size-fits-all approach to regulating in this area. He stated that adding a lot of information upfront to the booking process may confuse consumers.

Mike Hecht, Delta Air Lines

Mr. Hecht noted that Delta Air Lines wants to create consumer trust by making sure optional services and fees are clear to consumers, whatever channels consumers use to purchase tickets. He stated that they support consumer choice of channels but that many third parties have not evolved as quickly as the airline to provide transparency and clarity on its products. Mr. Hecht stated that Delta customizes the user experience and shows bag fees based on the status of the consumer and the ticket purchased. He noted that baggage policies and seat assignments are concerns that are important to Delta's consumers.

Mr. Hecht discussed the process for booking a basic economy ticket and stated that Delta discloses fare restrictions and provides an option to purchase a higher fare. He then noted that Delta does not impose change fees for consumers booking its "main cabin" and higher products and that such products also provide e-credit for cancellations. Mr. Hecht also noted that passenger status would impact baggage fees, and the airline is aware of the status through the consumer's logging into the airline's website.

He also noted that there is a detailed baggage fee calculator that the airline offers on its website to prospective consumers.

Questions and Answers

The Committee was then invited to ask questions of the airline representatives.

- Ms. Vercelli asked about what options consumers have when changing their minds and deciding to book a flight with a different airline.
 - Mr. Hecht stated that Delta Air Lines allows cancellations for a refund until midnight after the day the ticket is purchased, which could be up to 48 hours after booking. He also added that for travel originating in North America, the airline no longer imposes change and cancellation fees and receives an e-credit for cancellations. He added that for basic economy tickets, consumers receive partial credit for cancellations made after the end of the risk-free cancellation period.
 - Mr. Ghosh stated that Spirit Airlines may impose a change or cancellation fee depending on the ticket conditions.
- Mr. Breyault asked Mr. Ghosh about the most frequently chosen ancillary services by consumers purchasing tickets with Spirit
 - Mr. Ghosh responded that these services were bags and seats and that change, and cancellation policies were a potential driver of consumer purchasing decisions. He added,

however, that the number of consumers that change or cancel bookings is a low percentage.

- Mr. Breyault also commented that he observed harm to competition from the fact that consumers can search for fares on third-party websites and view the lowest fares without realizing that the lowest fares presented first do not account for baggage costs. He expressed his view that it is important for consumers to see information that closely reflects what it will cost to fly at the first instance a fare is displayed. He stated that consumers seeing some fares that do not reflect what they are going to pay, demonstrates harm to competition.
 - Mr. Ghosh responded that Spirit sees consumers who are purchasing based on fare alone and that the majority does not buy anything further.
- Ms. Workie asked whether an “opt-out” provision would limit harm from consumers receiving too much information.
 - Mr. Ghosh stated that he was not certain an opt-out provision would help, and that it was still a decision-making process for the consumer.
- Ms. Workie asked whether it was possible and potentially more confusing to display information on seat assignments without making seat assignments transactable (i.e., on ticket agent websites), given the dynamic nature of the pricing.
 - Mr. Lavin responded that OTAs have ancillary information but do not display it. He stated that if OTAs were to be required to display this information, he had doubts about whether GDSs would be supportive. He added that because the airline does not know who the consumer is if the consumer is booking through indirect channels like OTAs, so OTAs would be unable to provide specifics on seat fees or baggage.
- Attorney General Nessel asked about policies for cancellations when a consumer wants to cancel because a flight delay.
 - Mr. Ghosh responded that if the cause of the flight delay was something the airline was responsible for, then the airline would provide a refund option immediately, or they would try to reschedule the consumer.
 - Mr. Hecht stated that a similar policy exists at Delta.
- A member of the audience noted that airlines like Spirit prefer obtaining revenue from ancillary fees because doing so avoids excise taxes. He asked whether airlines saw a problem with reducing base fares further and increasing ancillary fees such that nearly all revenue comes from ancillary fees.
 - Mr. Ghosh responded that the fees Spirit imposes have a relation to the costs that are incurred by the service.

8. Closing Remarks

Ms. Workie then closed the meeting for the day and noted that the next day’s discussion will involve airline flight information.

The meeting concluded at 5:00 p.m.

DAY TWO - June 29, 2022, Availability of Airline Flight Information

9. Housekeeping Remarks and Introductions of ACPAC Members

The second day of the Committee meeting began at 9:30 am ET. Blane Workie, Assistant General Counsel for the Office of Aviation Consumer Protection (“OACP”) at the U.S. DOT of Transportation (“DOT”) and the Designated Federal Officer (“DFO”), gave welcoming remarks and indicated that meeting materials used during day one of the ACPAC meeting would be placed in the docket. Ms. Workie then requested that each member of the ACPAC introduce themselves.

The Committee members introduced themselves and gave brief opening remarks. Blane Workie then introduced Keith Berlen, who was attending the meeting virtually in the place of airport Committee member Mario Rodriguez, Executive Director of the Indianapolis Airport Authority, who could not attend due to an illness.

Following this, the Committee heard from Kyle Joseph, a Senior Attorney in OACP.

10. DOT Presentation – Availability of Airline Flight Information

Presentation by Kyle Joseph, Senior Attorney, DOT, Office of Aviation Consumer Protection (OACP)

Mr. Joseph began by summarizing the topic of Availability of Airline Flight Information. He indicated that he would like the Committee to focus on access to airline flight information during day two of the ACPAC while pointing out some overlap between day two’s topic and the topic covered on day one.

Mr. Joseph began his presentation by explaining DOT’s statutory authority to act in the area of airline flight information. He then explained the President’s Executive Order 14036, its requirements, and that Section 5 is the impetus for the Committee’s discussions for day two. He then explained the broad landscape of airline flight information by highlighting key players involved and how they fit into the distribution and display of airline flight information. He explained the role of GDSs, OTAs, metasearch platforms that operate flight search tools, airline flight information aggregators, and other key players. He next described the DOT’s previous actions in the area of airline flight information and noted that the DOT issued a request for information (RFI), which was later withdrawn. Mr. Joseph then summarized Executive Order 14036 again and identified a series of questions that the Committee could discuss and explore.

Questions and Answers

- Following Mr. Joseph’s remarks, Ms. Vercelli asked DOT officials to speak to the interplay between what was discussed on day one of the ACPAC and what was being discussed on day two.
 - Ms. Workie answered this question by stating that the previous day’s discussion was on a

segment of airline information, specifically, ancillary services and the fees for ancillary services. She pointed out that day two discussions are to focus on items not related to ancillary services. She stated that day two discussion should focus on the definition of airline flight information and its availability. Blane Workie then asked the Committee members if there were any other questions related to Mr. Joseph's presentation.

- Mr. Breyault then pointed out that the day one discussion focused on the forthcoming notice of proposed rulemaking placed on the regulatory agenda. He pointed out that the RFI is the last official action DOT took to address the issue and asked whether, beyond the conversation taking place on day two of the ACPAC, whether there is any other actions DOT is considering in this space to respond to Executive Order 14036?
 - Ms. Workie responded to this question by stating that unlike yesterday's discussion of a topic where DOT has already decided to move forward, the day two topic was much earlier in the process. She stated that DOT had not decided on the next appropriate action regarding airline flight information and that the Committee was hoping that the day two discussion and resultant recommendations would help make this determination. She stated that Executive Order 14036 discusses potential rulemaking, enforcement actions, and guidance documents and that DOT is looking at all three. She further stated that DOT is looking at whether there is no issue in this area and that DOT is open to everything at this point. Ms. Workie indicated that DOT is interested in hearing from all interested parties.
- Mr. Breyault pointed out that the Executive Order specifically focuses on the need for consumers to have information about lesser-known airlines. He pointed out that the Executive Order does not specify what is meant by "lesser-known airlines" and asked what DOT believed the term means.
 - Ms. Workie answered this question by describing domestic travel and explaining the portion of the market composed of reporting airlines. She stated that some reporting airlines do not actually sell tickets and typically operate as fee-for-service airlines. In other words, they operate for the mainline airlines. She pointed out that the Executive Order did not make the definition of "lesser-known airlines" clear and that she would at least look at reporting airlines as not being lesser-known airlines because they are large airlines that provide data to the DOT that is made publicly available.
- Mr. Breyault then indicated that Mr. Joseph cited to 49 USC § 40101 as DOT's relevant authority for action in this area and asked whether DOT had ever taken, beyond the RFI, an action to make flight information more available.
 - Ms. Workie responded that DOT had not taken specific action aside from the RFI that was issued. She stated that discussion was had with relevant parties, but there was never a rulemaking related to this issue.
- Ms. Vercelli then stated that the Committee was meeting for two reasons: 1) to define flight information and 2) to discuss the transparency and sharing of flight information. She then stated that the panel would meet again to deliberate and make recommendations to the DOT.

- Ms. Workie confirmed that this was correct and pointed out that the Executive Order also talks about the availability of flight information for new or lesser-known airlines. She stated that the advisory Committee should determine whether airline flight information is available, whether “available” means all points of sale, and whether the availability of flight information includes new and lesser-known airline flight information available to consumers.
- Mr. Mullen with Airlines for America then asked whether DOT has received complaints in this area.
 - Ms. Workie responded that the DOT currently does not have a complaint category for the availability of airline information, which prevents her from knowing whether these types of complaints were received. She indicated that the DOT initially began working in this area because of concerns raised by consumer advocacy organizations, members of Congress, and ticket agents. She stated that the DOT met with many of the groups. Ms. Workie further stated there wasn’t much work done on this issue besides determining what to do with the now-suspended RFI. Ms. Workie indicated that the Executive Order caused the DOT to explore the issue again and determine whether action is required to fix any issues.
- Ms. Vercelli then asked whether the Committee could recommend that the DOT have a separate category for the availability of airline information to track consumer complaints about this topic.
 - Ms. Workie stated that the Committee could recommend this.
- Mr. Breyault then noted that the RFI received almost 58,000 public comments.
 - Ms. Workie then responded that the DOT did receive several thousand comments but did not review them and that it would not be appropriate for the DOT to review them because the comment period was suspended. Ms. Workie further stated that she expects the RFI would receive thousands more comments should the DOT explore this issue again with an RFI and that the number of comments received previously indicates that there is substantial interest on this issue.
- Mr. Berlen asked why the RFI was withdrawn by the DOT.
 - Mr. Joseph responded that, at the time, the DOT determined that airlines did not engage in any unfair or deceptive practices in this area and that there was transparency. Mr. Joseph stated that the DOT decided to withdraw the RFI as a result of this determination.
- Mr. Richardson of Southwest Airlines then stated that he reviewed the comments to the RFI and determined that the comments were not consumer comments but instead were at least 99% cookie cutter comments commonly referred to as an AstroTurf lobbying campaign.
 - Ms. Workie responded that she noticed that many of the comments were boilerplate

11. Consumer Perspective

Edmund Mierzwinski, U.S. Public Interest Research Group (U.S. PIRG)

Mr. Mierzwinski introduced himself and provided some background information about U.S. Public Interest Research Group (U.S. PIRG) and its mission. He then described the timeline for airline deregulation. Mr. Mierzwinski then discussed a passenger who was stranded on an airplane, Kate Hanni, in 2006 or 2007 and how her situation eventually led to the creation of the Flyer's Rights organization. He then discussed the mission of Flyer's Rights. Finally, he discussed the current climate of cancellations and delays in the aviation industry and long consumer wait times to speak with airline representatives during cancellation and delay events.

Mr. Mierzwinski asked why the DOT had not reinstated the old Section 240 reciprocity rule, which he indicated allowed airlines to book tickets on other airlines when a flight was canceled or delayed. He also stated that the DOT needs to hold airlines accountable for chronic cancellations, fix family seating, and take steps to stop anti-competitive practices. He noted that airline information has been public since 1929, which included information about routes, time, and fares. Mr. Mierzwinski stated that consumers are harmed when restrictions or distortions are imposed on access to flight information by airlines and others. He also noted that full fare information includes ancillary fees. He pointed out that when a consumer visits an airline website for flight information, the consumer doesn't see any choices from competitors. When an airline controls a consumer's shopping experience, the consumer is confined to limited options and prices.

Mr. Mierzwinski briefly discussed advertising surveillance and stated that consumers' information is being used. He also discussed "drip pricing" and noted that some companies don't fully disclose the cost of products in an up-front and transparent way. In addition, he stated that he believes airlines are colluding on fee increases in areas such as baggage fees. Finally, Mr. Mierzwinski indicated that U.S. PIRG wants to help consumers find more choices for available flights, including from lesser-known competitor airlines. He concluded by stating that he is happy to work with the Committee and encouraged the DOT and the Committee to look further into protecting consumers by promoting competition.

Paul Hudson, FlyersRights

Paul Hudson of Flyers Rights introduced himself and described his organization's origins, including FlyersRights' recent work in airplane seat size. He stated the President's Executive Order on Competition and DOT authority to implement the Executive Order. He noted that the DOT has the authority to create a list of airline airlines, which would benefit consumers by giving them a one-stop location for this information. He indicated that there is no good information on charter airlines, commuter airlines, and many other categories, including OTA and metasearch lists, and suggested that the DOT create these lists for consumers. Mr. Hudson also suggested that the airports maintain a list of airlines providing services to that airport in a consumer-friendly format, including customer service phone numbers, baggage office numbers, websites, and other

information. He stated that airport authorities should maintain website contact information for each airport under its jurisdiction in a consumer-friendly format.

Mr. Hudson discussed flight cancellations and delays and the percentage of flights canceled and delayed in the months leading to June 2022. He suggested that data on the number of hours a flight is delayed before it is ultimately canceled should also be tracked. He stated that FlyersRights has been asking the Bureau of Transportation Statistics to track this data for years, but it has not done so. He then provided an example of a flight delay and cancellation he recently experienced first-hand. Mr. Hudson went on to discuss European compensation rates for consumers delayed on flights. Mr. Hudson concluded by indicating that airline flight information includes much more than fare, schedule, and availability information.

12. Other Perspective

Diana Moss, American Antitrust Institute

Ms. Moss began her remarks by stating that she wanted to pitch in the competition advocacy perspective on the availability of flight information. She said that she first wanted to discuss the distribution of flight information via online platforms and to draw linkages to what we see in the competition arena in other digital spaces. She stated she would then talk about the role of market power and how that connects to incentives to discriminate on third-party online travel search platforms. She said she would also like to discuss airlines' potential defenses to providing airline flight information in addition to parting thoughts and recommendations. Ms. Moss then discussed antitrust cases and congressional legislation focused on preventing platform self-preferences by large companies. She stated that intra-channel competition is good, but airlines prefer that consumers book their flights on airline websites. Next, she outlined third-party entities that also distribute and display flight information and indicated that these platforms are rival platforms to airlines. Ms. Moss stated that a four-firm oligopoly dominates the domestic airline industry market and discussed the importance of new entrants into the marketplace and their ability to show their products to consumers side-by-side with larger firm. She also discussed antitrust principles, including stronger incentives to exclude rivals when a firm has market power.

Ms. Moss then discussed the defenses airlines might present to a requirement to share airline information. She stated that airlines would likely say that how and where they display and distribute flight information cannot be controlled. She indicated that airlines would likely argue that controlling flight information allows them to protect their brands and the quality of the data, control distribution costs, avoid poor customer service by third-party search entities, and rely on intellectual property rationales. She then urged the DOT to dismiss these defenses because the large four firms are incentivized to engage in practices that limit or control how these firms compete with third parties. She stated that DOT has the authority and the public policy mandate to intervene in a way that increases transparency and non-discriminatory dissemination of flight information.

Ms. Moss stated that flight information is about providing a package of information to consumers that will enable apples-to-apples purchasing comparisons and ensure that smaller airlines are not disadvantaged. She indicated that the DOT would have to ensure that smaller new entrants are not disadvantaged on online travel search platforms and will have to ensure that information gets to rivals without airlines dictating that certain distributors will not get information. She stated that this would promote fair practices and methods of competition by the DOT's statutory authority.

Questions and Answers

- Ms. Workie asked, “what is a new or lesser-known airline?” She also asked whether Ms. Moss is looking at everyone who is not the big four (American Airlines, Delta Air Lines, Southwest Airlines, and United Airlines) even if it includes an airline like Hawaiian.
 - Ms. Moss responded that “lesser-known airlines” include smaller entrants into the industry that are trying to get a foothold by setting up ground operations and slots and are also trying to compete head-to-head with larger airlines. She stated that the DOT would have to look at specific metrics measures to determine what a lesser-known airline is, perhaps by looking at the percentage of flights or other metrics.
- Ms. Workie then confirmed whether that Ms. Moss was not simply focusing just on lesser-known airlines like Breeze Airways but is looking broader than that. Ms. Moss responded “yes.”
- Ms. Vercelli asked whether Ms. Moss is stating that the big four airlines are somehow keeping the smaller entrants from being listed on metasearch platforms?
 - Ms. Moss responded that there had been a long-term relationship between antitrust and regulatory policy. She stated that the non-airline examples were meant to provide an analogy or comparison to the competitive issues in online travel.
- Ms. Vercelli again asked how the bigger airlines are impeding the smaller airlines from being listed.
 - Ms. Moss stated that the larger airlines could allow consumers to buy their flights versus the smaller companies.
- Ms. Vercelli then asked how the big airlines are stopping a consumer from buying from the smaller airlines.
 - Ms. Moss responded that the large airlines control how access to information is being distributed and that they disadvantage rivals by controlling information that is disseminated to third-party distributors. She stated that if larger airlines stop distributing airline information to metasearch platforms or online travel agents, it will prevent new entrants from having their flight information displayed alongside the larger airlines.
- Ms. Workie then asked whether Ms. Moss was saying that large airlines’ refusal to provide

flight information to a third-party search platform lessens the likelihood that a consumer will visit that platform where lesser-known airlines would be able to display their product side-by-side with larger airlines.

- Ms. Moss responded by stating that you could look at it that way. She stated that it is within DOT authority if an airline stated that they wouldn't provide flight information to a third-party platform unless they didn't show the information of a lesser-known airline.
- Ms. Workie stated that DOT does have the authority to prevent unfair and deceptive practices.
 - Ms. Moss went on to state that the DOT has much more direct and effective authority to prevent unfair methods of competition and deceptive practices when compared to the DOJ should a major airline use its market power to harm a lesser-known entrant.
- Ms. Vercelli asked whether there is evidence that large airlines are using their market power to harm lesser-known airlines.
- Attorney General Nessel then asked whether large airlines include provisions in their contracts that harm lesser-known airlines or whether this is a more covert practice. She also asked how frequently this occurs.
 - Ms. Moss explained, hypothetically, the economics of how a large airline could harm a lesser-known entrant.
 - Ms. Workie then offered to answer Ms. Vercelli's question. She stated that many ticket agents contacted the DOT about airline behavior in this area, which partially led to the RFI. She also said that when the DOT asked for specific information about restrictive airline practices, the DOT did not receive the information. She further stated that the DOT had not had enough information in this area to perform an investigation in this area.
- Ms. Vercelli clarified that her question is not about what the OTAs and metasearch entities are complaining about but how the large airlines collude to harm new entrants.
 - Ms. Workie responded by stating that the DOT has not heard that large airlines are colluding to harm new entrants.
- John Breyault then described a flight search that he conducted on his laptop and explained how the result was confusing for the consumer because it wasn't clear how the metasearch entity defined the "best" flight. He then asked Ms. Moss what she thought should be included in the definition of "flight information."
 - Ms. Moss responded that she doesn't have a full answer to that but that the hope is that if the DOT rereleased the RFI, very good information from the community would be provided. She also stated that the DOT should be focused on a standard contract or an approved DOT contract that airlines are required to strike with all distributors so that those contracts don't contain terms and conditions that would harm newer or lesser-known entrants. She went on to explain drip pricing and how this wears out consumers.

- Mr. Nolan of Skyscanner clarified that they didn't see larger airlines place restrictions on smaller airlines. He stated that they are witnessing restrictions being placed on their ability to show other retailers of flights side-by-side with airlines, specifically, that he sees restrictions on the ability to show an online travel agent selling a ticket next to the airline selling the ticket.
- Ms. Workie then asked whether Skyscanner is seeing that airlines are preventing Skyscanner from displaying online travel agency prices and links where consumers can purchase tickets through the online travel agency right next to links to the airline's website to buy tickets through the airline.
 - Mr. Nolan responded, "that's correct."
 - Ms. Moss then indicated that this was a good point of clarification and explained that airlines are engaging in restrictive practices with distribution channels in the middle, between airlines and third parties displaying airline flight information.
- Ms. Workie then asked Ms. Moss to clarify whether Ms. Moss was stating that airlines aren't necessarily including language in their contracts that harm lesser-known airlines, but that their actions of not providing their flight information to third parties and trying to drive consumers directly to airline websites are causing lesser-known airlines to remain unknown.
 - Ms. Moss stated that was part of the bigger picture. She indicated that this behavior doesn't happen through collusive interaction, but because the big three are so powerful, they do this individually.
- Mr. Breyault asked whether there were analogous regulations requiring standard contracts in other industries that DOT could evaluate if they wanted to consider a standard contract.
 - Ms. Moss responded "yes" and stated that the electrical industry could serve as an example. She then proceeded to explain a standard tariff.
- Ms. Vercelli asked whether these contracts were with companies or government agencies.
 - Ms. Moss responded that they concerned commercial parties.
- Ms. Vercelli asked whether airlines would be mandated to contract with a third-party metasearch entity.
 - Ms. Moss explained the utility market and the difference with the airline industry and stated that it would be an "overkill" to require every airline to deal with every single distributor.
- Mr. Swayze introduced himself as a representative of Delta Air Lines then asked whether it was illegal for airlines to enter into contracts that would force bias as a matter of law. He continued by stating that he believes it is illegal, and Mr. Swayze explained that this type of contracts does not exist, and the airlines would prevent each other from entering this type of contracts. Mr. Swayze noted that primary purpose of contractual restrictions placed by the

airline onto third-party distributors is to uphold customer service standards and to make sure that third-party distributors display airline information in a clear and transparent manner. Mr. Swayze explained that if a third-party distributor would violate the contractual restrictions, then Delta would be able to enforce the contract. Mr. Swayze noted that the airline can use cease and desist letters to go after third-party distributor that the Delta does not have a contractual relationship with and who misrepresent Delta's information on their website.

He further indicated that if Delta would be mandated to give their information, to everybody then Delta would lose leverage to ensure that the third-party distributors uphold Delta's customer service standards. Mr. Swayze then asked who police third-party distributors would if airlines would lose their leverage over them. He added that the DOT probably does not have the capacity to perform this kind of oversight over third-party distributors. He further pointed out that Delta just like many consumers has concerns that the big tech companies (metasearch platforms) will be biased in their search rules. Mr. Swayze stated that Delta would support a prohibition against biased searches.

- Mr. Hudson responded by stating that the DOT and the FTC can go after those who engage in false advertising. Mr. Hudson noted that if the Committee wants to find out about smaller lesser-known airlines, then it should ask them directly. He further noted that the lesser-known airlines were not represented in the meeting.
- Ms. Workie replied by stating that the ACPAC meeting was open to the public and everyone was invited to participate.
- Mr. Mierzewski then stated that the point of the meeting was to focus on consumers. He suggested that the DOT count consumer complaints as comments in the docket. He also encouraged the DOT to continue reaching out to consumer groups to urge more consumers to complain about specific problems in ways that will help articulate the problems that the DOT is trying to address by complying with the President's E Order.

13. Airline Perspective

Jeremy Sandford, Compass LexEcon

Mr. Sandford stated that the Executive Order states that enhanced access to flight information will allow consumers to find flights more easily. He stated that the airlines' view should be interpreted as referring to flight schedules and that he is present at the meeting to evaluate a more expansive definition. He stated that transparency is good for price competition and explained price transparency as a concept. He stated that he's unsure of another industry where it is so easy to compare different product offerings. He indicated that price transparency is different from quality transparency. He further explained how price information might not be beneficial to consumers if that doesn't fully inform the consumer about the product.

Mr. Sandford indicated that he believes that requiring airlines to contract with third-party websites would invite disaster. He explained the role of OTAs and stated that forcing an airline to do

business with an OTA may lead to higher consumer costs. He also said that higher airline prices translate to higher prices for consumers. He stated that regulating how OTAs display flight information or suggesting that airlines share more information with OTAs could produce unintended consequences. He indicated that the marketplace naturally determines how much flight information an airline shares with an OTA.

Mr. Sandford cautions against a government-operated website that shared airline flight information. He provided statistics on the public use of a sample government website. He highlighted the costs of maintaining this type of website. He further stated that he is unsure how lesser-known airlines are being harmed and indicated that if they offer a compelling product, OTAs will be incentivized to display their product. He also stated that federal regulators would get involved if a large airline were to use its market power to harm a lesser-known airline. Mr. Sandford indicated that he understands the purpose of the executive order and broadly supports the rule of quality and transparency in promoting competition but cautions against rulemaking.

Erin Secatore, Compass LexEcon

Ms. Secatore introduced herself and stated that she would be presenting on access to flight information. Ms. Secatore said she would briefly touch on the state of competition in the U.S. airline industry, segueing into incentives in the direct and indirect distribution of flight information. Ms. Secatore explained that she would discuss two possible scenarios of government intervention regarding access to flight information. Each eliminated or restricted airlines' ability to control their content from third-party distributors and the potential consumer repercussions. Ms. Secatore noted that her presentation does not take a specific position on the definition of "airline information" but instead approaches this topic with a much broader lens of information beyond just schedules.

Ms. Secatore stated that currently, the airline industry offers consumers more choices among and between airlines competing with different business models than ever before. Ms. Secatore noted that the business models are represented in her PowerPoint presentation, which groups and maps each of the four business models. The global network airline, the regional airline, the low-cost airline (LCC), and the ultra-low-cost airline (ULCC). Ms. Secatore explained that the business models are grouped concerning operational complexity and cost, as well as the network's scope and diversity of products.

Ms. Secatore stated that all airlines fiercely compete for consumers. Ms. Secatore explained that the industry today continues to look at airlines embracing low-cost and business models. Over the last three decades, the ULCCs and the LCCs collectively have been the faster-growing airlines in the industry. Ms. Secatore noted that these airlines collectively more than doubled their domestic market share, with the faster-growing segment being the ULCC model. Ms. Secatore further explained that the resulting competition from LCC resulted in inflation-adjusted average airfare, reaching the lowest point in history in 2019, only to sink further during the pandemic.

Ms. Secatore stated that domestic price per mile had declined 38% and by 41% if you exclude bag fees and change fees. Ms. Secatore further noted that even though fares have increased in the past

few months because of the inflation, they're still down 11% as compared to the same period in 2019, pre-pandemic. Ms. Secatore explained that in addition to low fares, competition among all airlines had driven them to enhance their products and services, which means that airlines have expanded the number of products and services available on a single flight, differentiating between them on price and level of service. Ms. Secatore explained further that service levels could differ in terms of flexibility, for example, changeability or refundability of a ticket. It will also differ regarding amenities related to a carry-on bag, checked bag, in-flight meals and beverages, seat location and amount of legroom or boarding priority, access to the lounge, etc. Ms. Secatore stated that product diversification encompasses bundled fare products that add and combine services to tailor offerings to consumers. This allows consumers to customize their travel experience to best meet their budgetary needs and individual preferences.

Ms. Secatore stated that airlines sell their services directly to consumers via their websites, mobile apps, or third parties (e.g., brick-and-mortar travel agents, travel management companies (TMSs), OTAs, etc.). Ms. Secatore noted that airlines ensure that consumers have the opportunity to consider the full menu of products and services offered so users understand the value of the ticket they are considering. Ms. Secatore further noted that because many consumers are repeat customers, airlines ensure that the products and services provided match or exceed consumers' expectations each time.

Ms. Secatore stated that due to airlines' marketing strategies, consumers have access to a wealth of information organized in an easily digestible way. Ms. Secatore provided examples in her slides. Ms. Secatore further stated that consumers have access to much additional information. By clicking on the fare price, consumers are brought to a screen with detailed information about the service levels for the product they have selected and the adjacent product so they can compare and contrast the two products. Ms. Secatore explained that by clicking on the seat icon, consumers are directed to a seat map that shows what seats are available. By clicking on the amenity, consumers are given information about the amenities. Ms. Secatore further explained that once consumers select a flight, they are directed to a review and pay screen that provides specific details on tentative fees for the selected product, all within the consumer's fingertip.

Ms. Secatore stated that many airlines depend on third-party distributors to market and sell their flights and reach consumers. Ms. Secatore explained that third-party distribution channels allow consumers to compare flight information across airlines. Ms. Secatore explained that to maximize higher commissions, third-party distribution channels focus on the lowest airfare and use that as a gateway to the hotel and car rental reservations. Ms. Secatore pointed out that advertising is another source of revenue for metasearch platforms besides ticket sales. As a result, transparency for air travel products is not necessarily paramount for third-party distributors. Ms. Secatore noted that there are instances where the disclosures on third-party platforms are not as transparent as disclosures on the airlines' websites. Ms. Secatore explained that how these disclosures are displayed can influence consumer choice.

Ms. Secatore explained that some airline products are unavailable through third-party distribution channels due to technical issues traceable to GDSs, as they are the primary source of information

for third-party distributors. Ms. Secatore noted that GDSs technologies had lagged airline distribution systems, but they are making progress to enable the distribution of more products.

Ms. Secatore stated that she analyzed two specific scenarios regarding possible government intervention. In the first scenario, if government rules or guidance require airlines to provide all their content to the third-party distributor, it will eliminate airlines' ability to control their content. As a result, it would lead to fewer choices for the consumers. Ms. Secatore explained that mandatory participation in third-party distribution channels could lead to higher airfares, less transparency, and less demand for travel. [Ms. Secatore pointed to the examples in her slides that illustrated this point].

In the second scenario, if government rules or guidance would require airlines to participate with full content in a one-stop, quote, modern shopping platform, comparative shopping platform, or a third-party, then there is a risk that dictating what products are deemed comparable it will drive the commoditization of airline products so airlines would alter their products which in turn would lead to reduced consumer choice. Ms. Secatore further explained that having a shelving approach that would allow the cross-airline comparison would be difficult, especially to have it in a way that gains approval from all airlines. Ms. Secatore gave the example of possibly shelving airline products with basic economy products. In other words, having a basic economy comparison shelf. She explained that it would be very difficult to define the parameter of that shelf as no two basic economy products are alike. [Ms. Secatore further pointed to her slides that illustrate this example]. Ms. Secatore further illustrated her example by stating the possibility that the shelf is defined as basic economy products where consumers have to pay to check their bags would potentially exclude from the shelf airlines like Southwest which do not charge for checked bags. Ms. Secatore stated that this outcome would affect airlines' competitive edge and adversely impact consumers. Ms. Secatore noted if a platform was GDS based, it radically affects established airlines like Southwest and lesser-known airlines like Breeze, who have elected to distribute tickets only through direct channels (i.e., their own websites and apps).

Ms. Secatore concluded by stating that the requirements exemplified in both scenarios could have very real consequences for consumers, including increasing non- transparency, reducing choice, and potentially higher airfares. Ms. Secatore stated that currently, the market is working efficiently by delivering benefits to consumers, and government intervention, at least in the ways discussed in the scenarios above, is not necessary and could lead to significant repercussions for consumers.

Jeff Lobl, Delta Air Lines

Mr. Lobl thanked the panel for the opportunity to present Delta's perspective. Mr. Lobl pointed out that previously consumers had a one size fits all experience; finding the lowest price was the name of the game, and the distribution network was created to facilitate that. Mr. Lobl noted that this changed about ten years ago when Delta considerably changed its product line.

Mr. Lobl stated that the "main cabin" is Delta's traditional economy seat, whereas "basic economy" is a more restricted version of that economy seat. Mr. Lobl stated that "comfort plus" is a seat with extra legroom. "First-class" and "premium-select" are physically larger seats that give the customer

more room, and "Delta flat" is an experience where you can lie 180 degrees to sleep. Mr. Lobl explained that Delta evolved from the one size fits into a larger product line because of the realization that there is a real consumer need for different experiences. Mr. Lobl stated that some people are only interested in the lowest fare while others want more comfort, leg room, and a better experience. For example, some people are flying into meetings and need to be refreshed when they get there. Others are just physically larger and need more room. So, Delta created a product line that accommodates those different objectives. In doing so, Delta shifted from a pure price-based consumer experience into a value-based consumer experience where customers have the opportunity, depending on the price point, their wants, and needs, to have different experiences. Mr. Lobl stated further that to accommodate the new product line, Delta built its website to be informative and help facilitate situations where people can choose the best option to accommodate their needs.

Mr. Lobl stated that Delta has an extensive distribution network and works with the vast majority of the players in the industry, as Delta understands that there are many different places where customers want to interact with the airline. Mr. Lobl stated that Delta is comfortable with all distribution channels as long as they hold up their end of the bargain, providing a modern transparent experience for Delta's customers. Mr. Lobl stated that this proved to be a challenge because many third-party distribution platforms did not evolve into the idea of multiple choices and a value orientation towards the consumer and are still stuck in the old days of the lowest fare. Mr. Lobl gave the example of an unnamed website, which soon may become the largest third-party platform, which displays nothing but the lowest fare. So, if anybody wanted extra leg room, they would have difficulty finding that option on this platform. Mr. Lobl stated further that the site in question also decides what is the "best flight", which is not the best option for the consumer. In some instances, the site directed the consumers connecting flights that would take double the time of non-stop flights would burn 63% more carbon in the process because of the connection. Mr. Lobl stated that these practices are frustrating for both airlines and consumers who are shopping on these sites because consumers are not being given the full range of choices and options provided by airlines.

Mr. Lobl stated that to improve the situation, Delta works very closely with its distribution partners to create better experiences for its customers and the entire travel ecosystem. Mr. Lobl stated that Delta is making progress on that as their partners allow consumers to go through the same process as when consumers would be shopping on delta.com. Delta considers that a wildly better experience than we saw on the previous site. Mr. Lobl stated that there's much momentum toward the idea that there are better ways to present choices to customers than historically. Mr. Lobl explained that significant players in the industry are starting to see the value of something more consumer oriented. Mr. Lobl further noted that the only way to achieve this is by having open discussions and negotiations with Delta partners. Mr. Lobl said that requiring airlines to provide their content regardless would impede Delta's progress in this area. Mr. Lobl concluded that Delta's efforts in this sector are very much in the consumer's interest.

Eric Hall, Southwest Airlines

Mr. Hall introduced himself and thanked the Committee for the opportunity to present Southwest's perspective. Mr. Hall said he leads Southwest's distribution strategy and travel relations teams based out of Dallas. He continued by saying that from humble beginnings in the early 70s, flying a humble plane in Texas, Southwest now stands as one of the largest airlines in the U.S.

Mr. Hall stated that Southwest spent decades listening to consumers at the airport on what is valuable for them and how that factor into consumers' choice of airline. As a result, Southwest believes it is a leader in putting out a customer-oriented products. Mr. Hall explained that Southwest has a streamlined business model that allows. Mr. Hall explained further that how Southwest boards its planes and trains and empowers its employees is meant to create a low-cost model that will enable Southwest to be unique and present much value to consumers of all shapes and sizes. Mr. Hall noted that Southwest has the lowest customer complaint percentage in the industry, which the airline is extremely proud of.

Mr. Hall stated that direct distribution is a key to Southwest's success and its ability to put low fares into the marketplace. Mr. Hall explained that Southwest distributed to travel agencies in the '80s and early '90s. As the airline expanded, the travel agencies requested that the airline provides their fares, and almost uniformly, travel agencies demanded to charge the airline some fees. Those fees would take out most of Southwest's ability to continue to operate. So, when Southwest said no to the fees, it was kicked out of the travel agencies' systems. Mr. Hall explained that luckily for Southwest, the internet was coming out, which allowed the airline to launch its website southwest.com and sell tickets that way.

Mr. Hall stated that Southwest is very proud that when consumers elect to fly Southwest, their bags fly for free. Mr. Hall stated that currently, Southwest has four price points [Mr. Hall's pointed to the Southwest slide show that illustrated the price points]. Mr. Hall stated that consumers could easily see what they were paying for. Mr. Hall also pointed out that Southwest provides the low-fare calendar for consumers with flexible dates, allowing the consumer to see the prices for the entire month. This allows consumers to find the best value for when they want to travel. Mr. Hall noted that the consumer could see on the shopping page everything they get based on the fare type. Mr. Hall stated that every fare type provides loyalty points, two free checked bags, no change, and no cancellation fees. Mr. Hall stated that one unique feature that Southwest offers for "Wanna get away" fares is that if reusing a fare is not flexible enough for the consumer, then the consumer can transfer that flight credit to another traveler.

Mr. Hall reiterated that Southwest offers customers the ultimate flexibility and value, while OTAs and metasearch platforms lack information and transparency. Mr. Hall stated that the idea that these websites are consumer focused is not accurate and that they are for-profit companies with the main goal of selling more advertising. Mr. Hall stated that these websites have inaccurate or biased fare comparisons and do not allow airlines to pay for placement. This strategy benefits consumers in no way. Mr. Hall stated that one could rarely see ancillary fees clearly described so that consumers know what to expect on the day of travel, and in some cases, there are additional

processing fees. Mr. Hall, while pointing to the slides, stated that as opposed to third-party websites, Southwest's website is the gold standard for what one would look for in a pro-competition marketplace. Mr. Hall stated that although Southwest is not on any OTAs platforms, they still compete in the market with direct marketing campaigns. Mr. Hall stated that Southwest believes consumers know what to offer when they visit its website.

Mr. Hall pointed out that the executive of one of the websites that got shut down confessed in an interview that the website used to bias and preferential displays to make friends with the airlines. Mr. Hall stated that Southwest believes other websites also use this practice. Mr. Hall recognized that not all airlines or OTAs are created equal. Mr. Hall also gave examples of websites where an airline can pay to put a less valuable flight above other options, which is not a pro-consumer practice as it does not add any value to the consumer. Mr. Hall stated that differentiation in the marketplace is important to airlines, as this is how airlines compete, allowing them to bring the best value for the consumers.

Mr. Hall stated that Southwest started as a small airline that opted to do things differently. It believes that it has shown to the Committee, and everybody present at the meeting that Southwest is making decisions based on the consumer need regardless of its size. Mr. Hall reiterated that when visiting southwest.com, consumers do not get confused about what the airline is offering or what they're paying for. Mr. Hall stated that when Southwest controls whom it partners with, it can ensure a consistent customer service experience and communicate directly with its customers. Mr. Hall stated that Southwest is not interested in the herd mentality and wants to continue to differentiate itself in the industry as it is developing products based on consumer demand, all while providing top-notch customer service. Mr. Hall noted that the idea or the motion that Southwest would be mandated or ultimately forced to participate with any distributor, as Ms. Secatore pointed out, would be detrimental to consumers.

Questions and Answers

Ms. Workie invited the Committee members to ask questions of the airlines' representatives.

- Mr. Breyault stated that coming into the meeting, he thought the definition of "flight information" would include the fare, fee, schedule, etc. However, after listening to airline's presentations and how intensely airlines seem to differentiate their products from each other, Mr. Breyault noticed that there are more pieces of information that airlines can provide through their direct channels like fare class, extra leg room, availability to change the flight, lounge access, carry-on bag, seat selection, eligibility of frequent flyer mileage, seating upgrades. Mr. Breyault stated that all these data points to factor into consumers' decisions on whom they want to book a flight. Mr. Breyault continued by saying that the problem is that all these data points are not available on a metasearch site or an OTA site, which would allow consumers to compare between different airlines.

Mr. Breyault stated it is not clear how a consumer can continue to get that ability to compare between all of those different offerings in a way that consumer has all different data points that airlines talked about that differentiate them so that consumer can make a

more informed decision that will ultimately leave him satisfied with his choice. Mr. Breyault further stated that, in his opinion, the endpoint for consumers would be to have a website where the consumers could put their frequent flyer information for a particular airline and other information (e.g., need for extra leg room, flying with kids), and have this website provide the consumer all the information needed to make an informed buying decision.

Mr. Breyault noted that the Executive Order says, direct the DOT to ensure that consumers have access to the information they need, including new or lesser-known airlines. Mr. Breyault further noted that based on the airlines' presentation, the universe of data included in the airline flight information is much bigger than previously thought. Mr. Breyault stated that he hopes that the ACPAC will move forward with defining what is "airline flight information."

- Ms. Workie pointed out that many of the data points mentioned by Mr. Breyault are ancillary services that airlines would offer. Ms. Workie asked the Committee to discuss only the airline flight information and separate ancillary services because the ancillary services will be addressed in the DOT's rulemaking on ancillary fees and services.

Ms. Workie noted that the ACPAC can still recommend either of those issues. But any recommendations related to ancillary services could potentially be addressed in the rulemaking as opposed to any other type of airline flight information.

- Mr. Breyault stated it is his understanding that NPRM is contemplating ancillary fees and that it relates to the display of those fees on the fare. Which is different from than availability of flight information. Mr. Breyault sought further confirmation that potentially the DOT could have a rule requiring airlines to display change fees and the reservation fee when displaying fares.
 - Ms. Workie confirmed that in terms of ancillary fees that could be in the rulemaking
- Mr. Breyault asked whether ancillary fees is a subset of what the universal flight information could be.
 - Ms. Workie responded affirmatively, confirming that ancillary services may be part of flight information. Ms. Workie stated that the DOT has already decided with respect to ancillary service fees and is moving forward on a rulemaking on ancillary services; when the rulemaking is out, the public can see what ancillary services the DOT is proposing to be displayed. Ms. Workie pointed out that the Executive Order talks about baggage, change, and cancellation fees. Therefore, in the abstract for the rulemaking, the DOT made it clear that the rule will discuss change fees and cancellation fees. Ms. Workie noted that there could also be other ancillary services, and the updated abstract from the Spring 2022 agenda does mention family seating as well. Ms. Workie clarified that her suggestion is that the Committee discusses airline flight information, and the subset of ancillary service fees would be discussed separately.

- Mr. Breyault noted that the Executive Order talks about consumer access and it was unclear to him whether “access to airline information” means only the display of fares or something else as well.
 - Ms. Workie stated that the transparency of airline ancillary services is naturally related to consumer access to ancillary services, which is a subset of airline flight information. Ms. Workie said she does not know how one would distinguish enhancing access to flight information with respect to ancillary services from the rulemaking. That is why her suggestion is that when talking about airline flight information, the Committee focuses its attention on everything that is not ancillary fees or services since that was discussed at yesterday's meeting and will be discussed again when the NPRM becomes public.
 - Ms. Secatore stated that she thinks it was implicit in Mr. Breyault's comment a question of whether there was a market failure because you can't find this type of information on third-party platforms that make the cross-airline comparisons. Ms. Secatore stated that putting aside all the issues highlighted earlier regarding what that cross-airline comparison looks like in a modern shopping experience, the answer to Mr. Breyault's question would be no. Ms. Secatore explained that despite the downward trend in average airfare, the average cost of airfare could be pretty high, particularly if one is traveling with a family. Ms. Secatore pointed out that research indicates that consumers will visit multiple sites, both direct and indirect channels, prior to purchasing a ticket. According to Ms. Secatore, tickets are purchased in an hour or less, which is reasonable. Ms. Secatore notes that time spent on the purchase of tickets combined with customer service satisfaction surveys indicating overall satisfaction with the airline industry suggests that there is no market failure.
- Ms. Workie stated that consumers who are trying to decide where to fly and have limited time to do their research, then it is likely that they will focus on the big four airlines: Southwest, United, American, and Delta, which appear to be part of the concern. Ms. Workie stated further that it is not clear how an average consumer would know about lesser-known airlines like Avelo and Breeze. Ms. Workie further inquired if there are any suggestions regarding any action by the DOT or the airlines can be taken to ensure knowledge about these lesser-known airlines.
 - Ms. Secatore stated that the new entrants into the LCC market and their growth suggest they're not necessarily lesser as consumers are finding them, and these lesser-known airlines are growing. Ms. Secatore stated that she would push back classifying these airlines as "lesser-known" outside of the context of the fact that they're new entrants.
 - Mr. Sandford stated that the new entrants into the market have various ways of overcoming the issue of being less known to the consumer. For example, as they advertise, and knowledge about their existence can also spread through word of mouth. Mr. Sandford noted this is true in any industry, not just the airline industry, and companies overcome it by buying ads, developing a good product, and relying on word of mouth to spread it. Mr. Sandford also pointed out that some lesser-known entrants are available on Google Flights. So, if a consumer is price conscious and only cares about the base fare,

they would go to Google Flights and pick up the lowest number.

- Ms. Vercelli, referring to Mr. Workie's question, suggested that a way to solve the issue regarding lesser-known airlines would be having a list of airlines registered and operating in the U.S. on the airports' websites. Ms. Vercelli stated that the Executive Order apparently intends to protect both the consumers and the lesser-known entrants. Ms. Vercelli pointed out the absence of smaller airlines at the meeting. She noted that it is unfair to ask the bigger airlines at the meeting how to solve the problem for their competitors and make them better known to the public. Ms. Vercelli stated that when the Committee has the opportunity to talk to the OTAs in the afternoon, she would be interested to know how the OTAs incentivize those lesser airlines. Do they exclude them? Ms. Vercelli suggested that the Committee focus its attention on the consumers as larger airlines would be able to answer questions related to that. Ms. Vercelli stated that some of those questions are what is available to the consumer and what airlines can do better?

Ms. Vercelli noted that it appears that because of the product differentiation, if the Committee would expand the definition of flight information beyond "this flight goes from this place to that place," this would mean getting into the territory of ancillary services because the discussion was focused purely on the price. Ms. Vercelli noted that the Committee stated previously that it will focus on the meaning of flight information and that it can be either schedules, price, or availability. Ms. Vercelli noted that if the Committee is on just the price, it may lose sight of availability. Ms. Vercelli stated further that the Committee should not lose sight of that it still has to decide what flight information means and use the other presentations to say, well, if you start to include more in that definition, what are the unintended consequences.

- Ms. Workie noted that Ms. Vercelli made a good point regarding the Executive Order's intent. Ms. Workie that Ms. Vercelli made a good point regarding airline flight information because, based on airlines' presentations, "fare" doesn't necessarily mean the same thing to each airline. As for some airlines, the fare means including a change fee and two free bags. Ms. Workie noted that it is difficult to separate the fare and the ancillary fees; however, the Committee will have to opportunity to discuss further during the afternoon session.

Ms. Workie thanked airline representatives for their presentations and announced a break for lunch until 2:30 p.m.

[Afternoon Session]

14. Ticket Agent Perspective

Mike Liptak, TravelTech

Mr. Liptak began his presentation by reminding the audience that Travel Tech represents online travel agents, metasearch platforms, Travel Management Companies (TMCs), and short-term rental platforms that provide consumers with travel-related access information and options from all travel suppliers, including airlines, hotels, car rentals, and more.

Mr. Liptak stated that Travel Tech consistently advocated for transparency and better disclosure of all airfares to consumers. He explained that Travel Tech's members enable an open travel marketplace, one in which consumers can shop with confidence by understanding their options for travel; And enhancing consumer access to airline flight information leads to the same principle that consumers deserve the ability to efficiently shop in an environment that's free of confusion.

Mr. Liptak noted that markets function better, and consumers' benefits rise as information is more accessible to the consumer. He explained that the arrival of GDSs, OTAs, and metasearch platforms significantly increased the accessibility for consumers of airline price information. As consumers have been able to look at fare and fee availability options for air travel across multiple airlines and book travel once they select the best option for their needs.

Mr. Liptak stated that the increased transparency offered by Travel Tech members allowed consumers to make a better purchasing decision and has enhanced airline competition, leading to improved products for consumers. Mr. Liptak noted that the Executive Order on Competition directed the DOT to promote enhanced transparency and consumer safeguards to enhance consumer access to airline flight information. Mr. Liptak stated that in Travel Tech's view, the language in the Executive Order is limited and that it is his understanding that the Committee would like to hear from Travel Tech about what they believe constitute "airline flight information."

Mr. Liptak stated that Travel Tech consistently advocated for consumers to have access to as much information as possible when making a travel decision. Including not only fare, schedule, and availability of flight information but also ancillary service fees, which were considered part of the ticket price or the fare before unbundling. Mr. Liptak stated that although the DOT previously indicated that it would like to keep the Transparency of Airline Ancillary Service Fees topic separate from the Availability of Airline Flight Information topic, it is Travel Tech's opinion that Airline Flight Information does include basic ancillary services.

Mr. Liptak further noted that in the 2014 NPRM, DOT proposed what basic ancillary services meant. In comments submitted to the docket, Travel Tech agreed with the DOT that checked and carry-on baggage and seats that are offered for sale at a particular price, including premium seats with more leg room or those deemed to be better located in the aircraft, are basic ancillary services that should be covered. Mr. Liptak explained that for many consumers, these services are essential

to the air transportation they are purchasing, and their prices are very important to consumers' purchasing decisions.

Mr. Liptak further explained that traveling without luggage or, at the very least carry-on luggage is simply unfeasible for most consumers. Seat reservations and related fees are also considered indispensable by many travelers. Mr. Liptak stated that the families, couples, caregivers, and those for whom they are caring, and fearful travelers and their companions may feel the need to sit together. Others may have seat preferences that they consider critical, for example, an aisle seat for a passenger who needs to get up frequently or a business traveler who needs to work during the flight. Mr. Liptak stated that these services were traditionally included in the price of an airline ticket. Consumers may reasonably expect they are still included unless they are informed that the airline imposes separate charges for these services.

Mr. Liptak stated that in the DOT's 2014 NPRM, Travel Tech urged the DOT to broaden the definition of essential ancillary services to include pre-boarding, change or cancel fees, and ancillary fee bundles that have a basic ancillary service. Mr. Liptak explained that, like carry-on and checked baggage and advanced seat assignments, priority boarding is a service that was once included in the price of an airline ticket. Mr. Liptak further explained that priority boarding is viewed as a vital service for some consumers (e.g., consumers with disability, young children, consumers with heavy or bulk carry-on items, or consumers with very tight connections) and is therefore critical to consumers' purchase decisions and it should be included as a basic ancillary service.

Mr. Liptak added that change and cancel fees should also be deemed basic ancillary fees and be disclosed to and transactable by ticket agents through which airlines market their services. Mr. Liptak Noted that today airlines generally provide change and cancel fee information to ticket agents as part of their fare rules, reflecting the recognition that they are part of the basic price of the ticket. Mr. Liptak further noted that there is no regulatory requirement that airlines do so, even though the existence and amount of such fees is a key concern for consumers and a component of the applicable fare rules that should be disclosed to consumers before ticketing.

Mr. Liptak stated that consumers should be able to transact such fees through ticket agents they use to book their travel. In his opinion, it makes no sense that consumers cannot change and cancel fees through the same entity from which they purchased their ticket. Mr. Liptak further stated that the DOT should include these fees within basic ancillary service fees, which airlines should provide to ticket agents with whom they do business and allow them to transact.

Mr. Liptak said that airlines are increasingly offering bundled ancillary service packages to consumers (e.g., a premium seat, free checked bag bundled with in-flight Wi-Fi or airport lounge access), and the DOT transparency rule should apply to any package that includes at least one basic ancillary service. Mr. Liptak added that packages which include basic ancillary services are crucial to consumers purchasing decisions, and thus consumers should have access to information on such packages. Mr. Liptak further explained that without this information, consumers likely would not make purchasing decisions that are best for them.

Mr. Liptak stated that packages which include basic ancillary services should be transactable at the time of ticket purchase so consumers could take advantage of discounted prices or before the services become unavailable. Mr. Liptak explained that the inability to purchase these packages at the time of ticket purchase presents a real problem as consumers may rely on the advertised price only to find out that the discounted package price has vanished or subsequently increased after purchasing their airline ticket.

Mr. Liptak stated that ancillary fees, like ticket prices, constantly fluctuate. Without accurate and current information on these fees supplied to the ticket agents by the airlines with whom they do business, consumers may not have access to the information they need to make an informed purchasing decision. Mr. Liptak stated that ticket agents are often limited to the information the airlines are willing to provide and that the DOT should seek to ensure that the information shared by airlines with their distribution partners is done in so timely and accurate.

Mr. Liptak stated that Travel Tech would support a requirement that airlines share their lowest fares with ticket agents through which they make their fares available. Mr. Liptak explained that this would ensure that consumers have a full opportunity to shop for the best possible deal when using indirect distribution channels. In addition, Mr. Liptak explained that to make an informed decision, consumers need to be able to compare offers across airlines on a like-for-like basis. However, this will only be possible if airlines make information on their most basic fares and core ancillary services available to their indirect distribution channels.

Mr. Liptak concluded by stating that Travel Tech members are the companies that make it possible for consumers to explore, search, compare, and ultimately book travel all in one place. Integrity in the marketplace means travelers trust airlines and intermediaries to provide them with all the information they need to make informed choices on their travel options based on the total cost of travel. Mr. Liptak added that Travel Tech has consistently advocated for more transparency and better disclosure of all aspects of airfares to consumers. He praised the DOT and the Committee for closely examining these matters.

Martin Nolan/Kirsty Ireland, Skyscanner

Mr. Nolan introduced himself to the Committee and stated that he is the General Counsel and the head of Public and Regulatory Affairs at metasearch platform Skyscanner. Mr. Nolan explained that Skyscanner's goal is to deliver the best range of information for consumers when searching and comparing travel options.

Mr. Nolan stated that his remarks would be based on some of the earlier comments by the Committee members and other attendees to the meeting. He continued by saying that if a traveler wants to know all airports an airline flies to, there is no need to consult Wikipedia. Instead, the traveler can access a metasearch website to find the answer. Mr. Nolan noted that one of the attendees mentioned earlier the large number of options and services that an airline can offer to add value to their travelers and the complexity of comparing those services among different airlines, whether it was things that are included in the ticket such as seat selection and basic baggage or new ancillary services like Wi-Fi and in-flight entertainment. Mr. Nolan stated that it

could feel like the array of options is endless. However, sites like Skyscanner may make it easier for the consumer to compare all available options. Mr. Nolan further explained that it is only possible for sites like Skyscanner to provide comparison tools to the consumers when the airlines give the relevant information, and the sites have the freedom to show those options. Mr. Nolan concluded by saying that Skyscanner supported DOT's NPRM on Ancillary Fees and introduced his colleague Kirsty Ireland who would provide more details about Skyscanner.

Ms. Ireland introduced herself to the Committee and continued by reminding the audience that Skyscanner is a leading global travel search platform that primarily exists to provide a variety of choices to consumers looking to book travel. Ms. Ireland stated that Skyscanner has many offices around the globe, including one in the U.S., which is located in Miami. Ms. Ireland explained that Skyscanner is a metasearch platform aggregating travel options offered by online travel agents and airlines. This allows consumers to compare prices from various sources on one platform. Ms. Ireland explained further that much like online travel agents, Skyscanner displays key variables a consumer would need before booking a flight, including a timetable. However, she explained that, unlike travel agents, Skyscanner re-directs the consumers to the airline's websites.

Ms. Ireland stated that Skyscanner always advocated that access to the broadest range of suppliers is for the greatest benefit to consumers. Ms. Ireland explained that for Skyscanner to offer their services to the consumers, they rely on obtaining fare and flight information directly from the airlines or scheduling information from online travel agents. Ms. Ireland noted that in 2019 when Skyscanner addressed the Committee, they described their challenges in getting access to fare and flight information from airlines and that since then, the situation has worsened. Ms. Ireland explained that currently, more obstacles affect Skyscanner's ability to obtain fare information from the airlines, which in turn affects the purchasing experience for the consumers. Ms. Ireland continued by saying that large airlines in the U.S. demand that metasearch platforms' access to flight ticket information is conditional on not comparing airline tickets against tickets offered by online travel agents, which often may be cheaper than the ones provided directly by the airlines. Ms. Ireland explained further that for Skyscanner to show fares offered directly by the airlines and help the consumers make an informed decision, Skyscanner is often forced to show the Airlines as the only provider of a particular ticket fare. Ms. Ireland stated that it is Skyscanner's experience that this is a standard practice among all large legacy airlines in the U.S., and Skyscanner is often forced to accept the terms imposed by these airlines. Ms. Ireland explained that because these airlines dominate the U.S. market, it is unfeasible for Skyscanner to refuse their terms; otherwise, Skyscanner would become irrelevant in the U.S. market.

Ms. Ireland stated that since 2019 Skyscanner has faced growing pressure from many regional and low-cost airlines, which, similarly to the legacy airline, demand that Skyscanner matches the terms of exclusivity and not show the fares offered by the online travel agents. While other airlines refuse to supply any inventory information to the metasearch websites like Skyscanner.

Ms. Ireland explained that in recent years, the increased pressure from all U.S. airlines led to Skyscanner dropping some of the airlines from their roster. Mr. Ireland further explained that in the case of large legacy airlines, Skyscanner's hands are tied, and they were forced to compromise

on their core principles and commitments made to the consumer. Ms. Ireland continued by stating that the inability to compare airlines' fares against fares offered by ticket agents adversely affected the choices and the quality of the information provided to the consumers. Ms. Ireland also pointed out that U.S. consumers are in a significantly poorer position regarding options available to them than those in most other developed markets, especially if one looks at the options available in Europe and Asia.

Ms. Ireland stated that the demands made by the large legacy airlines are unique to the U.S. market, as no other large flagship airlines in other areas of the world make demands like these on such stark terms with a refusal to compromise. Ms. Ireland stated that this kind of behavior by airlines harms the consumer. Ms. Ireland further explained that there are studies showing that airlines' restrictions on the metasearch platform adversely affect competition and market functionality. Ms. Ireland noted that the weakening of online travel agents and metasearch sites could also decrease overall transparency and thereby the existing and potential competition between airlines, leading to increased prices for the consumers.

Mr. Ireland stated that in addition to the challenges mentioned above, Google's entry into this market complicated matters more for metasearch websites and OTAs. As Google effectively owns search channels that affect 80% of searches across the U.S., Google's overwhelming size created an imbalance for smaller businesses, ultimately leading to consumers missing out on the ability to effectively compare market offerings that are limited to a handful of large airlines.

Ms. Ireland concluded by urging the DOT to act soon, as Skyscanner fears that the situation would become unsustainable without any intervention from a regulator.

Phil Nicholas, Amadeus

Mr. Nicholas introduced himself and reminded the audience that Amadeus is a Global Distribution System (GDS) with a U.S. branch office in Miami, Florida. Mr. Nicholas pointed out that Amadeus is not asking for airlines' mandatory participation in their system. Mr. Nicholas further stated that Amadeus does not believe that there should be a regulation that requires airlines to participate in their system and that Amadeus is not seeking a regulation requiring airlines to provide Amadeus full content.

Mr. Nicholas stated that Amadeus believes participants in the booking chain (e.g., airlines, travel agencies, metasearch platforms) should have the flexibility to determine the optimal ways to best inform the consumer on their service offerings, so long as they do it in a manner that is not unfair, nor deceptive and otherwise meets the DOT's objectives. Mr. Nicholas stated that Amadeus is requesting that when fares are made available to GDSs by airlines, core ancillary services, and fees should also be disclosed. Mr. Nicholas further stated that Amadeus believes that a broad rule by the DOT requires the airlines to disclose their core ancillary services and service fees at the same time as airlines disclose their fares. Mr. Nicholas noted that Amadeus's list of ancillary services is broader than the DOT's list mentioned in the NPRM regarding Ancillary Fees and that Amadeus would address this topic in the NPRM.

Mr. Nicholas stated that regarding the transactability of core ancillary services, Amadeus rests on their earlier comments and Travel Tech's position, which Amadeus would address in the NPRM on Ancillary Fees.

Mr. Nicholas continued by pointing to the relevant portion of the Executive Order on Competition which directs the DOT to promote enhanced transparency and consumer safeguards so that consumers can more easily find a broader set of available flights. Mr. Nicholas noted a few key clauses in the Executive Order's language, specifically "promotion of transparency" and "promotion of consumer safeguards so that consumers can more easily find a broader set of available flights." Mr. Nicholas further stated that Amadeus agrees with Travel Tech's position that consumers need to be able to compare offers across airlines on a like-for-like basis, which is possible only if airlines make information on their most basic fares and core ancillary services available to their indirect distribution channels. Mr. Nicholas stated that "finding the broader set of available flights" surely includes the lowest fares most travelers are looking for, and the ability to transact that fare is to provide "consumer safeguard."

Mr. Nicholas concluded that Amadeus believes that a consumer would be harmed if they miss the lowest fare option because their travel agency can't provide it. Mr. Nicholas further explained that many consumers, particularly those who do not travel often, are not sophisticated travelers. Therefore, they could be misled into thinking that their travel agency is giving them the lowest fare option.

Questions and Answers

The Committee was then invited to ask questions of the travel agents' representatives.

- Ms. Vercelli stated that what Travel Tech and Amadeus are proposing for the Committee to act on appears to be different from Skyscanner's proposal. Ms. Vercelli asked Travel Tech and Amadeus to clarify whether it is their view that the "flight information" definition, in addition, to fare and flight segment information, should also include ancillary services and fees so that one could make an apples-to-apples comparison. Ms. Vercelli asked the representatives to state what they think "flight information" means.
 - Mr. Liptak stated that Travel Tech's position is that "fare" would include core ancillary services. Mr. Liptak clarified that the recommendation to include the "lowest fare" would be in addition to that.
 - Mr. Nicholas clarified that he did not mean to make it sound like Amadeus's proposal is limited only to "low fares." Instead, Mr. Nicholas emphasized that it is Amadeus's position that when airlines make fares available to their indirect distribution channels, they should include core ancillary services. Mr. Nicholas clarified that Amadeus proposes that there would be a regulation requiring airlines to make "all" fares available to their indirect distribution channels, including the "lowest fare" provided by the airlines. So, the GDSs would be able to make the "lowest fare" available to travel agents, who, in turn, would advise the travelers about the "lowest fare" available to them.

- Ms. Workie mentioned that Amadeus stated that they were not asking for a regulation requiring airlines to participate in their system and asked Amadeus to clarify with respect to airlines providing the lowest fare – whether Amadeus is asking to be mandatory.
 - Mr. Nicholas clarified that there may be airlines who do not wish to do business with Amadeus or other GDSs and that Amadeus is not asking for a to do business with Amadeus or any other GDS. However, for those airlines who choose to do business with a GDS, whether it is Amadeus or a different company, Amadeus is asking that there is a regulation requiring the airlines to provide "all" available fares, including the "lowest" fare, which is what most consumers are looking for.
- Mr. Workie asked Mr. Nicholas to confirm her understanding that when airlines provide their fares to GDSs and OTAs, they withhold the lowest fare and choose to display it instead on the airline website.
 - Mr. Nicholas stated that Amadeus is doing business with approximately 450 airlines that load their data into Amadeus's system. However, some airlines withhold their lowest fares by calling it "web fare." Mr. Nicholas explained further that the airlines either make the "web fares" available only on the airlines' website or use those fares as "bargaining chips" in their negotiations with Amadeus when trying to get a lower contract fee from Amadeus for distributing airlines' content to travel agencies.
- Ms. Vercelli gave the example of Southwest, where the "lowest fare" includes two bags, and Delta's "lowest fare" does not include two bags. Ms. Vercelli asked whether it would be the DOT's role to determine and define "lowest fare." Ms. Vercelli asked travel agents' representatives to clarify how they envisioned the apples-to-apples comparison. Ms. Vercelli further commented that it appears that there are two aspects to this issue: (1) data sharing and (2) data display. As it appears that if the airlines would have to abide by the rule of what "lowest fare" means, then to be able to make the apples-to-apples comparison, all GDSs would also have to agree to display the data in the same manner without any product differentiation. Ms. Vercelli noted that airlines invested a tremendous amount of money in technology and product differentiation, and if all the GDSs displayed the information from different airlines in the same manner, that would defeat the purpose of product differentiation.
 - Mr. Nicholas responded by stating Amadeus would probably have to file something with the Committee to explain better how they envision that the comparison would be made. Mr. Nicholas explained that, in his opinion, "lowest fare" would mean the "lowest fare" offered by a particular airline; whether that fare includes ancillary services would depend on the airline.
- Ms. Vercelli noted that the Committee would have to further look into this issue and explained that this goes back to unfair and deceptive practices. Ms. Vercelli further explained that one airline might sell a ticket for \$120 but charge the consumer for two bags, bringing the total cost to \$240. In contrast, another airline may sell a ticket for \$200 and have the cost of the bags already included, which would mean that the second airline had the lowest fare.

- Mr. Nicholas commented that making the ancillary services and their cost available to the GDSs would address this issue.
- Mr. Nolan, addressing Ms. Vercelli's concerns, confirmed that the key is to compare apples to apples. In Mr. Nolan's opinion, if metasearch platforms and travel agents had all the relevant data the airlines provided, they would be able to do just that. Mr. Nolan noted, however, that the discussion about how that data would be displayed across different platforms is premature. Mr. Nolan stated that the reality is platforms have different ways of displaying the data, and the display of information does not necessarily have to look the same across platforms. What matters in Mr. Nolan's opinion is that the platforms display accurate information and that the consumers are not misled about the options available. Mr. Nolan encouraged the panel to look at other countries like the U.K. and see how they encouraged and promoted transparency in obligations for the industry in relation to the consumer.
- In response to Mr. Nolan's comment, Ms. Vercelli stated that the Committee might have to look further into it. Ms. Vercelli further asked the travel agent representatives whether they have contracts with lesser-known airlines.
 - Mr. Nicholas responded by stating that if a consumer goes to a travel agency using the Amadeus system, the answer would be yes. Mr. Nicholas pointed out that he is not aware of any airlines that Amadeus would not have a contract with. Mr. Nicholas further explained that if Ms. Vercelli is interested in a particular airline, then Amadeus would be able to search to see if that airline uses Amadeus's system.
- Ms. Vercelli asked Mr. Nicholas whether Amadeus reached out to new and lesser-known airlines to persuade them to use Amadeus's system.
 - Mr. Nicholas answered affirmatively and explained that many times it is the airline that reaches out to Amadeus when they are planning to launch their service onto the market. Mr. Nicholas also explained that when Amadeus finds out about an upcoming airline venture, then Amadeus may make the first step and approach the airline, introduce themselves and start educating the new venture about why they should be using Amadeus as opposed to one of their competitors.
- Ms. Vercelli asked whether Travel Tech members ever exclude some airlines.
 - Mr. Liptak responded since Travel Tech is an association, he, as a person who works for the association, is not privy to information on how the association's members choose to negotiate their contracts. However, Mr. Liptak said he would happily share Ms. Vercelli's question with Travel Tech members to get her an answer.
 - Ms. Ireland stepped in and stated that Skyscanner, as one of the Travel Tech's members, could answer Ms. Vercelli's question. Ms. Ireland further stated Skyscanner would never turn away an airline. Ms. Ireland further explained that to appear on Skyscanner's website, the main pre-requisite is for an airline to be registered. Ms. Ireland noted that she couldn't

think of why a U.S. airline would not be allowed to be on Skyscanner's website should the airline request to be. Ms. Ireland pointed out that often it tends to be more the other way around.

- Mr. Nolan further pointed out that metasearch websites need to have the broadest array of content from the greatest number of sources. That helps metasearch websites to compare not just one flight against another but other retailers of the same flight who might be selling it at a lower price. In some cases, other travel agents are cheaper than going to the airlines direct. Mr. Nolan stated that the only circumstance when Skyscanner would not agree with an airline would be if an airline would make a demand to be displayed on the Skyscanner website in a particular way which would harm the Skyscanner end user.
- Ms. Vercelli stated that she would appreciate it if the travel agents' representatives could supplement their presentations before the Committee deliberations. Ms. Vercelli further stated that she would be curious to see how travel agents' representatives envision the parity of airline information being regulated on one hand and the airlines being required to provide their "lowest fare"; while the distribution channels can pick and compete with one another on how they are displaying that airline data on the other hand. Ms. Vercelli further stated that for consistency, and if the airlines would be regulated as to what data they would be required to share with travel agents, they should be regulated as to how they display that data. Ms. Vercelli further stated that the supplemental information would help the Committee to understand how to make sure that on both ends, the consumer is seeing this completely in a transparent way.
 - Mr. Nolan replied by stating that the display of data for the consumers is already regulated. Mr. Nolan noted that in terms of data that is not consumer-facing, that's slightly different, and Amadeus would be better suited to talk about it.
- Mr. Breyault noted that airline representatives previously talked about the value of presenting and differentiating a product on a channel of distribution they own and control and can shape to make it look the way they think is most useful to their customers. Mr. Breyault then stated that he also heard from the travel agents that the airlines are not providing all of the ancillary fees, fare availability, and schedule information. Mr. Breyault asked travel agents to clarify whether airlines are not providing the information in the three categories mentioned above. Or that the airlines are providing that information in a way that would be misleading, confusing, or inaccurate for the consumer? Or whether there is something fundamentally wrong with how the information is provided to the travel agents? Mr. Breyault also asked why there are instances where consumers when shopping on travel agents' websites, see a ten-hour flight from Atlanta to Seattle through New York as the only option when there is also a direct flight available.
 - Mr. Nicholas, while referring to Mr. Breyault's example about the ten-hour flight, stated that there might be some subjectivity on the airline's side as to what they think is the best for the consumer.
- Mr. Breyault stated that when Skyscanner mentioned that in certain instances, there are contractual conditions put on to Skyscanner which prevent them from showing a cheaper fare

on an OTA site in Skyscanner's metasearch results, that made him wonder if that's unique to Skyscanner? Mr. Breyault further stated that he began wondering whether Google Flights could show a lower fare that may exist on Expedia, a different metasearch site or Travelocity. Mr. Breyault further inquired whether the Committee, when thinking about rulemaking, enforcement actions, or guidance to the DOT on how steps to take to enhance access, should also consider the type of restrictive contractual conditions mentioned by Skyscanner. Mr. Breyault further inquired if metasearch sites, and travel agents would be free of such conditions through regulation or otherwise. For example, would it allow metasearch sites like Skyscanner to show a broader set of available flights from, say, Breezes or Avelo or a newer airline?

- Mr. Nolan responded by stating that Skyscanner would support a regulation that would free them of restrictive contractual conditions. Mr. Nolan further stated that the issue of restrictive contractual conditions is not unique to Skyscanner. Mr. Nolan pointed out that in terms of bargaining power, Skyscanner could not be compared to Google, as Google is in a much stronger position. Mr. Nolan further stated that if a consumer used the Skyscanner in Europe, they would see many OTA results together with legacy airline results, whereas in the U.S., the search results in some cases would not display OTAs. Mr. Nolan explained that if Skyscanner were free of restrictive contractual conditions when a consumer would pick a flight, they are interested in – Skyscanner would show several retailers of that flight OTA and airlines and let the consumer choose where to buy.
- Mr. Breyault stated that he would be interested to know (and the airlines are free to supplement the record) whether airlines see more purchases be completed when the consumer starts at delta.com or american.com, or united.com versus the number of uncompleted purchases when people come to the airline from a metasearch where they've presumably may or may not be getting all the information, the most up to date fare schedule and available data or ancillary fees, are they leaving more purchasing half way through because they're confused by sort of the availability of fee or other information? Mr. Breyault stated that this information would help to discern whether consumers preference direct distribution channels over indirect or third-party distribution channels.
- Ms. Workie stated that the difficult part would be determining why consumers decided not to buy a ticket on the airline website. One may not know if it is because they found it confusing or for any other reason.
 - Ms. Abbot (with Southwest Airlines) stated that based on Southwest's data, most visitors to the company's website do not make a booking. Ms. Abbot stated that, in Southwest's opinion, those consumers visit Southwest web site to research the fare availability and schedule.
- Attorney General Nessel asked Ms. Abbot to confirm that Southwest doesn't participate with the other search platforms?
 - Ms. Abbot confirmed and stated that Southwest is using the direct distribution strategy, and beginning in the early '90s, they sold tickets only to Southeast.com directly to the consumer.

- Attorney General Nessel commented that because Southwest advertises their ticket, many consumers probably missed out on good deals. Attorney General Nessel further inquired whether travel agents could disclaim to their customers that not all airlines work with them so that consumers would know that the list of flights provided by the ticket agents is not exhaustive.
- Mr. Workies stated that in the past did consider having a rule requiring the travel agents to identify the airlines that they have contracts with.
- Mr. Breyault pointed out that consumers may find out about the availability of Southwest flights on Google Flights and through corporate travel agencies. Mr. Breyault asked Ms. Abbot to clarify her earlier statement regarding Southwest using only direct distribution channels.
 - Ms. Abbot clarified that Southwest has a different approach with their direct consumer model and their managed travel or business travel model. As these are they are two very distinct lines of distribution for Southwest.
 - Mr. Hall clarified further that Google Flights opted to use a publicly available schedule to display on their site. That was not in coordination with Southwest. Southwest did not ask Google to do that, nor have Southwest asked them to take the information down.
- Mr. Breyault stated that all airlines are required to list, on their websites, what are their ancillary fees, baggage fee, change or cancellation fees, and seat reservation fees under the DOT regulations. Mr. Breyault then asked that if that information is already available, why metasearch websites like Skyscanner and Travel Tech's members are not taking that publicly available information and combining it with the fare, schedule, and availability information that they get through the GDSs and presenting the consumers with a combined number?
 - Mr. Hall clarified that the pricing information is unavailable to third parties. Mr. Hall explained that third parties might have information about Southwest's schedule and information they can find on the airline's website about the product amenities. But the actual dynamic pricing is not visible.
 - Ms. Workie addressing Mr. Breyault's question, stated that in terms of fees for ancillary services, the DOT allows the fees to be displayed in a range. However, because that range can be broad, there is no way for the consumer to know what specific price would apply to them as a traveler. Ms. Workie further explained that for baggage, airlines use very complex charts that may not be necessarily usable by the consumer. There's also the question of what is copyrighted and what is not. If the information is copyrighted, a third-party may not take that information from airline's website without permission.
- Mr. Breyault inquired further about what information is copyrighted.
 - Mr. Hall responded by stating that copyrighted information is a mixture of inventory and fare prices. Mr. Hall further explained that for metasearch to present valid price points to consumers, there has to be an Application Programming Interface (API) that would allow

the metasearch platform to access the airline information (e.g., seats available).

- Mr. Nolan interjected that regarding the earlier example of not knowing whether or not an airline flies or not because it doesn't appear on the metasearch platform – if there are no contractual restrictions, metasearch websites like Skyscanner can obtain the publicly available information and still show consumers that the flight exists so they're not missing it completely.
- Mr. Breyault stated that regarding the definition of airline information, he sees consensus developing around fare, availability, and schedule.
 - Ms. Workie remarked that there only appears to be a consensus about scheduling.
- Mr. Breyault continued by stating that fare price changes depending on many factors. Next, Mr. Breyault inquired whether metasearch platforms and OTAs can capture the data points that go into the fare and display the same fare that a consumer would get if he went directly onto the airline's website. Mr. Breyault inquired further whether it would be possible for a consumer to create an online profile on a metasearch platform and upload their frequent flyer information; and for the metasearch platform to show the consumer, based on his frequent flyer status, all of the fares and flights available.
 - Mr. Nolan responded what Mr. Breyault is inquiring about would be technically possible. Mr. Nolan explained that a metasearch website could store the data provided by the consumer and analyze the pricing in that context, provided that the airlines and the OTAs can support that in the background. Mr. Nolan pointed out that building a system with multiple filters that would allow the consumer to customize the search would require the metasearch platforms to have fare information from all airlines that the consumer is interested in.
- Ms. Workie stated that in terms of fare, it is not clear whether it is proprietary information or not. If the fare is proprietary information, that fare price will change based on demand. Ms. Workie further explained that if an airline chooses not to share that fare information, whether with a metasearch platform or an OTA, having the consumer-specific information will not be helpful to the consumer, the metasearch platforms, or the OTA. Ms. Workie noted that the first question to ask would be whether fare information is "airline flight information"? Ms. Workie stated further that it appears that there is consensus that schedule information which is available publicly may not be proprietary. Ms. Workie did note, however, that some airlines consider schedule information proprietary. Ms. Workies stated she is looking forward to the next ACPAC meeting when the Committee members deliberate whether fare information and schedule information is the airline flight information and whether it is proprietary.
 - Ms. Abbot noted that Southwest considers fare and fare availability to be its proprietary information.
- Ms. Workie stated that based on Mr. Nolan's earlier comments, it is her understanding that

when a consumer accesses a metasearch website and looks for the lowest fare, due to contractual agreements between metasearch platforms and airlines, that may not be the case. Ms. Workie asked Mr. Nolan to confirm it.

- Mr. Nolan clarified that there are two separate issues that were discussed. The first issue is whether an airline's "lowest fare" is reserved only for airline's website, or if it is also fed to the GDSs, then on to OTAs and then into Skyscanner. The second issue is whether due to contractual restrictions imposed by an airline onto Skyscanner, Skyscanner may be precluded from comparing and displaying the fare provided by an airline against a fare provided by an OTA which in some cases may lower. Mr. Nolan further noted that if Skyscanner has a contract with an airline (so the information is obtained directly from the airline and not through GDSs), then the Skyscanner does get the information regarding the airline's cheapest fare.
- Ms. Workie inquired whether it is true that GDSs, usually have the lowest fare information, but not always?
 - Mr. Nolan clarified that because of the way GDSs obtain pricing information from airlines, the OTAs could use other tools to potentially reduce that price below the price that has come from the airline. That's why Skyscanner feels so strongly about getting rid of airline contractual restrictions and providing consumers with the ability to compare prices provided directly by airlines against prices provided by OTAs.
- Ms. Workie stated that it would be of concern if consumers were led to think that they're receiving the lowest fare because that's what the metasearch site indicates. But in reality, the consumers would not receive the lowest fare.
 - Mr. Lobl stated that Delta has a relationship with Amadeus and Skyscanner. Mr. Lobl continued by stating that between Amadeus and Skyscanner, they have three points of sale (POS) platforms that sell nothing but the lowest fare. Mr. Lobl stated that Amadeus has two POSs, one used by travel agents, and one used by end travelers; Skyscanner has a metasearch platform used by end travelers. Mr. Lobl stated that these POS are offering nothing but the lowest fare, as do the OTAs mentioned by Skyscanner. Mr. Lobl explained one concern that Delta has is that when consumers are accessing the POSs and OTAs sites that, their choices are limited to nothing but the lowest fare; and that there is no way for the customer to access any other options they may be interested in (e.g., other products that may offer a better customer experience). Mr. Lobl stated that Delta does not generally offer lower fares based on the vendor or the platform where the tickets are sold. Mr. Lobl stated that Delta discovered that some platforms that display cheaper fares for Delta flights often show incorrect prices, and in some instances, that is done just to attract a customer to the website.
 - Mr. Hall stated that Southwest is not participating in any OTA; however, they are spending a lot of time cleaning up bad actors mining Southwest's fares without their consent. Mr. Hall agreed with Mr. Lobl and stated that the sites bringing lower fares are either inaccurate or they're obtaining that information without Southwest's representation or approval.

- Mr. Nolan stated that he disputes some of the comments that the prices displayed by Skyscanner are not accurate. If Skyscanner's prices were inaccurate, people would not be returning, and Skyscanner would not have over 100 million users every month. Mr. Nolan assured the Committee that Skyscanner ensures that prices displayed on their platform are accurate and bookable. Mr. Nolan noted that whether that price includes the price of luggage or not is a different issue. Mr. Nolan also stated that Skyscanner holds its partners to a high standard and takes enforcement action against bad actors.

15. Closing Remarks

Ms. Workie concluded the meeting by thanking the speakers, the attendees, and the DOT staff for organizing the event. Ms. Workie noted that there were a lot of good questions raised and that since the meeting was recorded, the Committee members will be able to go back to the record to refresh their recollection.

APPENDIX – List of Attendees

Designated Federal Officer and Committee Members Present

Dana Nessel, Attorney General of Michigan, as the State or local government representative and Chair of the ACPAC.

Keith Berlen, Senior Director of Operations and Public Safety with the Indianapolis Airport Authority as alternate for Mario Rodriguez, Executive Director of the Indianapolis Airport Authority, as the airport operator representative.

John Breyault, Vice President of Public Policy, Telecommunications, and Fraud at National Consumers League, as the consumer representative.

Patricia Vercelli, General Counsel of Airlines for America, as the airline representative.

Blane Workie, DOT Assistant General Counsel for Aviation Consumer Protection, Designated Federal Officer (DFO)

Attendees

Last Name	First Name	Organization	Status
Putnam	John	DOT	DOT - Presenter
Graber	Kim	DOT	DOT Staff
Gorman	Rob	DOT	DOT - Presenter
Draguta	Cristina	DOT	DOT Staff
Joseph	Kyle	DOT	DOT - Presenter
Nguyen	Vinh	DOT	DOT Staff
Frieden	Zachary	DOT	DOT Intern
Rather	Martin	DOT	DOT Intern
Elliott	Darian	CART service	ADA Accommodation
Mierzwinski	Edmund	U.S. PIRG	Speaker
Lobl	Jeff	Delta Air Lines	Speaker
Liptak	Mike	TravelTech	Speaker
Hall	Eric	Southwest Airlines	Speaker
Ghosh	Rana	Spirit Airlines	Speaker
Elliston	Kahla	Spirit Airlines	Speaker
Sandford	Jeremy	Compass LexEcon	Speaker
Secatore	Erin	Compass LexEcon	Speaker
Hecht	Mike	Delta Air Lines	Speaker
Geurin	Neil	American Airlines	Speaker
Peck	Eben	ASTA	Speaker
Nicholas	Phil	Amadeus	Speaker
Hudson	Paul	FlyersRights	Speaker

Appelbaum	Andrew	FlyersRights	Speaker
Leocha	Charlie	Travelers United	Speaker appearing virtually
Nolan	Martin	Skyscanner	Speaker appearing virtually
Ireland	Kristy	Skyscanner	Speaker appearing virtually
Moss	Diana	American Antitrust Institute	Speaker appearing virtually
Lavin	Douglas	IATA	Speaker appearing virtually
Rich	Swayze	Delta Air Lines	Public
Mullen	Doug	Airlines for America	Public
Smith	David	The Airline Tariff Publishing Company	Public
Semanchik	David	Air Line Pilots Association, International	Public
Young	Joanne	Kirstein & Young, PLLC	Public
Minor	Michelle	Alaska Airlines	Public
Pinkerton	Sharon	Airlines for America	Public
Sahr	Evelyn	ECKERT SEAMANS CHERIN & MELLOTT, LLC	Public
Efthymiou	Thiseas	ECKERT SEAMANS CHERIN & MELLOTT, LLC	Public
Wilkinson	Molly	American Airlines	Public
Steed	Elise	American Airlines	Public
Tegarden	Christy	American Airlines	Public
Schroeter	Bobby	Spirit Airlines	Public
Brent	Alex	American Airlines	Public
Graham	Keithley	Airlines for America	Public
Sanchez	Benjamin	Freshfields Bruckhaus Deringer US LLP	Public
Crowell	Donald	Kirstein & Young PLLC	Public
Kirstein	David	Kirstein & Young PLLC	Public
Abbott	Leslie	Southwest Airlines	Public
Matal	Maren	Southwest Airlines	Public
Richardson	David	Southwest Airlines	Public
Taylor	Fred	Southwest Airlines	Public
Thomas	Dallas	Southwest Airlines	Public
Heflin	Chad	IATA	Public
Kron	Karin	ATPCO	Public
Smith	Nicole	PHMSA	Public
O'Keefe	Emmett	Booking.com	Public