

September 10, 2014

The Honorable Anthony Foxx
Secretary
U.S. Department of Transportation
1200 New Jersey Ave, SE
Washington, DC 20590

Regarding DOT-OST-2014-0056-0079

Dear Secretary Foxx,

We consumer groups are writing to you to urge the Department to focus on what we consider the core issue in the current airline consumer protections NPRM - the consumer's ability to see, compare and buy ancillary fees. Consumers do not want to see this issue delayed again should other portions of the complicated NPRM require more study and analysis.

A robust docket shows that American consumers need and demand price transparency, the ability to comparison shop increasingly complex airline tickets along with fees for ancillary services and the ability to purchase those services wherever airlines choose to sell their tickets.

The solution is simple. The DOT's final rule should ensure that:

- Airline consumers can see the full cost of flying including basic ancillary fees.
- Airline consumers are able to comparison shop across airlines including passenger and flight specific ancillary fees.
- Airline consumers are able to purchase these ancillary products at the same time that they pay for their airfares.

The free market works only when prices are transparent, and consumers have waited long enough. As you know, the debate on this issue has been exhaustive.

- More than three years of industry studies, government analyses and economic papers.
- Detailed congressional hearings and meetings of the DOT Advisory Committee for Aviation Consumer Protection.
- Newspaper editorials.
- Hundreds of pages of rulemaking comments.

- Tens of thousands of consumer signatures.
- An extraordinary year-long review by the Office of Management and Budget.

We urge DOT to move expeditiously to ensure that ancillary fees are disclosed, searchable and transactable. Consumers have already waited more than three years for this issue to be addressed; we cannot risk further delay.

Over recent years airlines have made their ancillary fees increasingly complex. Some airlines are even moving to dynamic, real-time pricing for things like carry-on and checked-baggage fees and seat reservations fees. Those airline actions to shroud ancillary fees during the purchasing process have made the buying process unfair and deceptive for consumers attempting to purchase the services they will need on their flights.

Our organizations are thrilled that DOT has finally, after more than a thousand days, published this rulemaking. Now, we urge the Department to complete its rulemaking with robust requirements for the disclosure and transactability of ancillary fees.

Given the complexity of this rulemaking, consumer groups will understand should DOT require additional time to reflect on the new and important issues that have been added to this rulemaking such as a new definition of what constitutes a travel agent, expanding the pool of airlines reporting operation statistics, customer service plans from ticket agents, transparency of codeshare operations, disclosures of marketed carriers by online travel agencies and screen bias displays. If so, the DOT could follow its precedent with ancillary fees in the last consumer protection rule and request additional comments on any or all of those topics.

We urge you not to allow the complexity and scope of this NPRM delay the relief consumers have so desperately needed for the last six years since airlines begun aggressively unbundling their products. Consumers have waited long enough to know the full cost of airline travel.

Sincerely,

Consumer Federation of America
National Consumers League
Consumer Watchdog
Travelers United
Association for Airline Passenger Rights
Airline Passengers.org
Business Travel Coalition
PlusInc
Ed Perkins, Retired Founding Editor, Consumer Reports Travel Letter