

BEFORE THE
UNITED STATES DEPARTMENT OF TRANSPORTATION
WASHINGTON, DC.

Agreement Adopted by the Passenger
Services Conference of the International
Air Transport Association

Docket OST-2013-0048

**IATA AND OPEN ALLIES' JOINT MOTION FOR LEAVE TO FILE
AGREED LIMITATIONS CONCERNING RESOLUTION 787**

22 January 2014

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**IATA AND OPEN ALLIES' JOINT MOTION FOR LEAVE
TO FILE AN OTHERWISE UNAUTHORIZED DOCUMENT**

The International Air Transport Association (IATA) and Open Allies for Airfare Transparency (Open Allies)¹ join in seeking leave to file the “Statement of Agreed Limitations” (Statement) set forth below pursuant to Section 302.6(c) of the Department’s Rules of Practice. The joint applicants believe the Statement would assist the Department to promptly conclude this proceeding. The Statement is the fruit of continuing discussions between IATA and Open Allies seeking to harmonize their record suggestions for appropriate limitations on any Department order approving IATA Resolution 787. The parties were able to reconcile their differences in the Statement below. Open Allies has agreed to withdraw its opposition to any DOT approval of Resolution 787 conditioned on its assumption that DOT will adopt the agreed upon limitations. The parties agree that they would not oppose a reopening of this proceeding for a period of 30 days from the date of this Motion to permit other interested parties, all of whom have been served, to respond.

**STATEMENT OF AGREED LIMITATIONS
CONCERNING RESOLUTION 787**

IATA and Open Allies agreed that the following limitations on Department approval would satisfactorily address the concerns previously expressed on behalf of Open Allies. IATA and Open Allies respectfully urge the Department to incorporate these limitations as part of any order that it may issue regarding Resolution 787.

¹ The members of Open Allies have been identified in prior Open Allies filings in this proceeding.

Issue	Agreed Language
Scope of Resolution 787	<p>Approval of Resolution 787 does not constitute approval of any agreement among IATA member airlines regarding any method or business model of distributing air transportation, nor restrict the use of any channels available for the distribution of air transportation, including indirect distribution by other than airlines.</p> <p>Any future agreement among IATA member airlines regarding business models for the distribution of air transportation shall not be implemented without prior compliance with any applicable government approval or notification process.</p>
Personal Information	<p>Approval of IATA Resolution 787 does not constitute approval of any agreement among IATA member airlines to require the disclosure by any passenger of personal information of any kind.</p>
Use of Other Data Transmissions Standards	<p>Approval of IATA Resolution 787 does not constitute approval of any agreement among IATA member airlines to require the use of any particular data transmission standard(s).</p>
Data Ownership	<p>This approval does not in any way address the issue of data ownership and specifically does not include approval of Section 1.2.7 of Resolution 787 or of any other reference to ownership in the Resolution.</p>
Backwards Compatibility/Other Standards	<p>Any communications or message standards or protocols developed under Resolution 787 shall be open standards, meaning useable by distributors of air transportation and intermediaries in the distribution of air transportation, including CRSs and other aggregators, on a non-discriminatory basis.</p> <p>Approval of Resolution 787 does not constitute approval of any agreement to prohibit individual IATA member airlines or groups of such airlines from continuing to utilize any communication or message protocol, including existing standards.</p> <p>Nothing in the approval of Resolution 787 shall be deemed to be an approval of either a restriction on backwards compatibility or a restriction on development of a communications or messaging standard that is not backward compatible. Further, nothing in Resolution 787 shall be</p>

Issue	Agreed Language
	construed to inhibit the ability of distributors of air transportation to use other standards, including existing standards, in combination with any standard developed under Resolution 787. Notwithstanding any language in Section 1.2.4 of Resolution 787, airlines and technology service providers are free to pursue backward compatibility of Resolution 787 communications or message standards or protocols based on their particular business needs.

WHEREFORE, Movants request:

1) That the Department grant them leave to file the Statement pursuant to Section 302.6(c) of the Rules of Practice;

and

2) That the Department thereafter expressly impose the limitations set forth in the above Statement as part of any order it may issue regarding IATA Resolution 787.

Respectfully submitted,

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