



U.S. Department
of Transportation
**Federal Aviation
Administration**

Office of Airport Planning
and Programming

800 Independence Ave., SW.
Washington, DC 20591

DEC 13 2016

Mr. Brent Cagle
Aviation Director
Charlotte-Douglas International Airport
P.O. Box 19066
Charlotte, NC 28219

**Subject: Charlotte-Douglas International Airport (CLT)
FAA Review of 2016 Competition Plan Update**

Dear Mr. Cagle:

Thank you for submitting the above-referenced Competition Plan Update for CLT. The Federal Aviation Administration (FAA) has reviewed the update and finds it to be in accordance with the applicable statutory requirements¹.

This update was required because CLT is a Covered Airport² and the City has entered into a new Airline Use Agreement (Agreement) with signatory airlines at CLT, effective July 1, 2016.

Our review found that the City included the following new pro-competitive policies and practices in the Agreement and the 2016 CLT Plan Update:

- Negotiated a shorter-term Agreement than the previous agreement (this Agreement has a 10-year term versus the prior 30-year agreement);
- Eliminated all exclusively-leased gates in favor of preferential- or common-use gates;
- Eliminated all exclusively-leased ticket counters in favor of preferential- or common-use ticket counters;
- Eliminated all exclusively-leased baggage make-up and baggage claim areas (replaced by joint-use space for Signatory Airlines and other airlines);

¹ Section 155 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR-21), Pub. L. No. 106-181, (April 5, 2000), 49 U.S.C. §§ 40117(k) and 47106(f).

² As defined in FAA Order 5100.38D ("Airport Improvement Program Handbook," Appendix X), Covered Airports are those where one or two air carriers control more than 50 percent of the passenger boardings. Based on calendar year 2014 data, two air carriers accounted for over 50 percent of enplanements at CLT.

- Established the City's right to accommodate new entrants (or existing airlines wishing to begin or expand their operations) at the City's common-use gates or at a Signatory Airline's preferential-use gate (if appropriate space is not available at a common-use gate);
- Provided that a carrier accommodated on a preferential-use gate pays the same charges for use of the space that they would have paid for a common-use gate (along with an administrative fee), except in highly unusual situations;
- Established a minimum gate utilization level for all preferential-use gates;
- Established the City's right to recapture underutilized preferential-use gates when the air carrier has not met the utilization target for six months;
- Established a new division (Business and Revenue) to serve as the central point of contact for airlines at CLT;
- Established the City's one-time right to reallocate preferential-use gates five years after the Effective Date of the Agreement (July 1, 2016), in order to optimize the use of the Airport's facilities and promote competition among airlines at CLT;
- Established a process for Signatory Airlines to "give back" space they no longer need (or to request additions to its leased premises) five years after the Effective Date of the Agreement (July 1, 2016);
- Provided that the Majority-in-Interest (MII) provision does not apply to:
 - projects that create additional capacity for a new entrant or an existing carrier that desires to expand, commits to use the new space, and for which no other space is available; or
 - projects to the extent that they are financed by Passenger Facility Charges (PFCs) or PFC-backed bonds;
- Gave the City discretion to determine how new gates and related facilities and space will be assigned at the 17 new gates for which pre-approval of construction was provided upon signing the agreement.

We also note that the City will post the Agreement and the CLT 2016 Competition Plan Update (along with this approval letter) online, as FAA recommended in its May 6, 2004 letter in response to the City's last Competition Plan Update.

As you are aware, the City has now filed (and the FAA has approved) an initial Competition Plan and three Plan Updates. Accordingly, no further Competition Plan Updates will be required unless certain circumstances arise.³ The most common of these circumstances would be if the airport executes a new or significantly amended lease and use agreement, including an amendment due to use of PFC financing for gates.

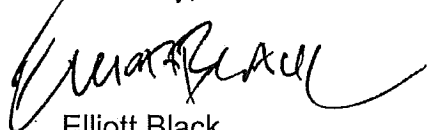
Please note that this letter does not constitute FAA approval of the Airline Use and Lease Agreement or any specific provisions thereof, which remain subject to all applicable Federal law and regulations.

³ See FAA Order 5100.38D, "Airport Improvement Program Handbook," Appendix X.

As you may know, the Secretary of Transportation is required by law⁴ to review implementation of Competition Plans from time to time, to verify each covered airport implements its Plan successfully. In connection with our review, we may determine that it would be useful to visit your airport or hold a teleconference with airport officials. We will contact you if we decide to visit CLT in connection with its Competition Plan.

If you have any questions regarding this letter or the FAA's review of your Plan, please contact Mr. Joe Hebert, Manager, Financial Analysis and Passenger Facility Charge Branch, at (202) 267-8375.

Sincerely,



Elliott Black
Director, Office of Airport Planning
and Programming

Enclosure

cc: Steven Hicks, Acting Manager, Airports Division, Southern Region
Troy Butler, Manager, Planning and Programming Branch, Airports Division,
Southern Region
Phillip Braden, Manager, Memphis Airports District Office

⁴ 49 U.S.C. § 40117(k)

AIRPORT COMPETITION PLANS

Highlights of Reported Actions to Reduce Barriers to Entry and Enhance Competitive Access

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November 2010

I. AVAILABILITY OF GATES AND RELATED FACILITIES

Major Elements of Competition Plan

- Number of gates available at the airport by lease arrangement.
- Samples of gate use monitoring charts.
- Description of the process for accommodating new service and for service by a new entrant.
- Description of any instances in which the PFC competitive assurance #7 operated to convert previously exclusive-use gates to preferential-use gates or has it caused such gates to become available to others.
- Policy regarding "recapturing" gates that are not being fully used.
- Resolution of any access complaints during the 12 months preceding the filing.
- Use/lose or use/share policies for gates and other facilities.
- Plans to make gates and related facilities available to new entrants or to air carriers that want to expand service at the airport.
- Availability of an airport competitive access liaison for requesting carriers, including new entrants.
- The resolution of any complaints of denial of reasonable access by a new entrant or an air carrier seeking to expand service in the 12 months preceding the filing of the plan.

Significant Airport Responses

- Asserting control over underutilized gates.
- Designating Competition Access committees.
- Adopting more entry-friendly leasing terms.
- Removing specific access protections for signatory carriers.
- Providing new entrants with informational packages regarding airport access.
- Monitoring gate use.
- Streamlining forced accommodation process.

Highlights of Recent Actions Reported by Individual Airports:

Albuquerque	Designated the Aviation Department Director as the point of contact to work cooperatively on behalf of a new entrant. In 2006 Amended and Restated Agreement offering promotional incentives for new entrants; continued practice of allocating gate hold rooms by preferential leases containing "use or lose" provisions; keeping its right to reassign a signatory not meeting the minimum use requirement of 4 daily flights to a City gate; and assigning common use gates on a per use basis.
Anchorage	Converted from exclusive to preferential leases upon expiration of exclusive leases; created Competitive Access Team; uses web site to publish gate utilization information. Opened a new concourse and added nine new domestic gates. Developed a new tenant carrier handbook for carriers and third party vendors. Created a competitive access team to ensure all carriers have competitive access to the Airport.
Atlanta	Provides revised and updated handbook with airport information to requesting carriers; and invoked recapture authority to convert a leased gate to common-use and assured that the signatory carriers' first right of refusal would not apply at this gate.
BWI	Developed Airline Accommodations Committee consisting of air service development, operations, planning and commercial management offices; executed short-term (5 year, one month) lease agreement to replace long-term lease; requires minimum usage on preferential leases.
Burbank	Designated an official as new entrant liaison and provides guidance packages.

Chicago Midway	Developed gate access and assignment procedures for MDW International, City Controlled Domestic Gates and North Loop Triangle Pad, and distributes gate access and assignment information for the international gates to potential new entrants; opened 5 city-controlled RON positions. Distributed Gate Procedures to all carriers' corporate offices, local station managers and potential new entrants. Implemented a system to monitor the actual utilization of gates at MDW. Ensured the recapture of underutilized gates. Provided for the distribution of monthly gate utilization charts to all incumbent air carriers at MDW and potential new entrants.
Cincinnati	Using Competition Plan Coordinator to develop procedures and time lines to respond in a timely manner to requests for accommodation; negotiated conversion of exclusively leased gates to common and preferentially leased gates.
Cleveland	Competition Task Force established to ensure implementation of competition plan and pursue expansion and growth options; will develop new entrant handbook; assigns Administrative Officer to each airline to monitor sublease activity, assess operational needs to ensure efficiency of use and gathers quarterly gate use information. Established a fair, equitable and readily accessible method for gate access, established procedures that an air carrier must follow in order to gain access to a preferential gate area.
Dallas Ft. Worth	Introduced Gate/Lease Plan that established formal priorities for assignment of preferential use /common-use gates, and protocols to assist airline gate relocations and accommodation of new entrants and growth of incumbents; introduced recapture rights in new preferential-use leases and acquired control of several additional gates. Designated an airport staff liaison for competitive access and posted the DAL Master Plan and Competition Plan on the Airport's web site.
Dallas Love	Designated an airport staff liaison for competitive access and posted the Airport Master Plan on the Airport's web site.
Detroit	Adopted a policy to override strict "exhaustion of efforts" clause in its lease provision by assisting a requesting carrier to ease any burden and reduce unnecessary delays associated with acquiring gates and related facilities when the airport is unable to provide those facilities. Committed to facilitate access upon request by a new entrant carrier or signatory seeking to expand while reducing any unnecessary delays associated with acquiring the use of gates and related facilities when the airport is unable to provide the facilities, designated 10 gates as swing gates, used preferential leases for relocating an incumbent. In 2008 Lease and Use Agreement replaced exclusive use practices with preferential leases, allowed the Authority the right to force the accommodation of new entrants, and allowed the Authority to take back preferentially leased premises if an airline does not meet minimum gate use requirements.
Houston Hobby/Inter- continental	Renegotiated long-term, exclusive-use leases to shorter term, preferential, minimum-use leases (at some terminals) with commitment on part of airport to facilitate inter-carrier accommodations upon request of interested airline; developed Welcome Letter package to include gate usage information and a general Dispute Resolution Policy Statement, as well as other pertinent information.
Las Vegas	Designated the aviation business manager and air services marketing manager as competitive access liaisons, maintaining 23 common-use gates to accommodate new entrants, accommodated access requests of several new entrant and expanding carriers. Provide gate availability information to all carriers on a regular basis through posting on LAS website, opened fourth and final wing of Concourse D in 2008 thereby providing a net increase of 8 additional gates (with 3 being common use).

Manchester	Executed a new 5 year master use and lease agreement in 2006, authorized the airport director to assist a requesting carrier in obtaining accommodations, has no clause in new lease permitting "competitive relationships" to be considered in requiring a tenant airline to share space with another airline and permits the aviation director to reallocate the gate and apron areas of the least productive signatory airlines. Adopted a formal gate monitoring program.
Milwaukee	Removed potential obstacle for accommodation that enabled a signatory carrier to refuse to accommodate a "direct competitor." Providing a welcome letter to new entrant carriers to inform them of MKE's gate availability and assignment policy. Using the airport website to post gate availability information to all interested carriers.
Minneapolis	Undertook Competitive Marketing initiatives with low-fare carriers and created short-term gates with preferences for new entrant carriers; created new entrant package with plans to publish information package on web site.
Nashville	Streamlining exhaustion of efforts requirement by using web site to encourage new entrants to contact airport directly, assists carrier with voluntary accommodation and negotiations, under a timeline; intends to recapture vacant leased gates upon request of another carrier.
Newark	Initiated review of Master Airline leases, identified provisions enabling airport to regain more control over the use of gates; moved to recapture gates or to force accommodation on gates, based on utilization study; streamlined forced accommodation clause by removing an exhaustion of efforts; appointed New Entry Manager and developed New Entrant Airline Rights package informs airline station managers of need for timely response to accommodation requests. Requiring increased utilization by United for the Terminal C1 and C2 gates.
New Orleans	Providing that there are 42 gates at MSY, with 11 available as preferential- or common-use. Maintaining a list of vacant gates and leased areas that will be shared with requesting air carriers. Providing new entrant air carriers with a comprehensive list of on-airport handlers, air carriers, and catering providers. Accommodating a new entrant airline and expansion of an incumbent airline. Sponsoring an Airport Airline Affairs Committee (AAAC) and establishing a monthly airline station managers meeting. Providing a presentation (including gates available, rates and charges and signage requirements) to air carriers considering providing service at MSY.
Oakland	Installing common use ticketing equipment at ticket counters and gates so that all airlines operating there will use identical gate check-in and gate CUTE equipment, thereby providing maximum flexibility in assigning gates, even on a per flight basis, thereby increasing the opportunities for competition; provides Airline Entry Package and airport facilitates negotiations between requesting carriers and incumbents. Implemented policy for universal notification of gate availability.
Philadelphia	Utilized preferential-use gates to accommodate the expansion of incumbent carriers and the entry of domestic carriers; facilitated relocation of some incumbent carriers. Designated the airport director as the airport's competitive access liaison. Adopting a process to convert preferential use gates to common use gates where review of gate use monitoring charts demonstrates underutilization
Phoenix Sky Harbor	Developed New Entrant Airline Information packet; initiated an "interest list" for incumbent and new entrant airlines; constructed two additional gates, and implemented the development of a new concourse to provide an additional nine gates.

Pittsburgh	Continuing to provide an airline information packet to incumbent and prospective air carriers.
Providence	Facilitates gate sharing requests and will not enforce lease clause requiring requesting airline to contact all signatories.
Reno	Established multi-faceted marketing and community outreach program to attract new airlines.
Sacramento	Continuing Airline Liaison office and informs airline tenants of terminal development plans.
Sacramento	Formalizing gate availability information by preparing an Airline Information Package containing information on available gates, terms of access, and procedures for securing facilities for new service, to be made available on the airport's web page and upon request; Continuing Airline Liaison office and informs airline tenants of terminal development plans.
Salt Lake City	Start Up Package provided to requesting carriers includes a gate utilization report summary, a statement about the airport's dispute resolution practices, as well as other necessary information about operating at the airport.
San Antonio	Established three common-use city-operated gates in Terminal 2 and one in Terminal 1, available to all airlines on first-come, first-serve basis. Terminals 1 and 2 have vacant ticket counter, office, operations office and baggage make-up space readily available for lease; negotiated expiring lease in 2004 to provide for preferential-use; Aviation Department assists requesting airlines in gaining access.
San Francisco	Invoked forced accommodation clause to ensure that temporary gate needs of new entrant airlines were met, continuing Airline Liaison Office and initiated promotional marketing incentives.
San Jose	Established a Tenant Liaison Committee to respond to requests for access within a reasonable time, gather appropriate information, meet with relevant airport personnel, provide gate utilization information to requesting airline, and act as an intermediary between prospective airline and incumbent airline to expedite accommodation; assigned Property Management personnel as first point of contact.
San Juan	Developing policy on gate use and monitoring requirements to be applied to all gates, drafting sublease guidelines and requirements, developing complaints and disputes resolution policy and developing a master lease incorporating the referenced policies and procedures.
St. Louis	Established an average gate utilization requirement, retaining a number of City controlled gates for use by itinerant airlines, regional and charter airlines; undertaking to accommodate requesting airlines in an airlines preferential use gates if similar space cannot be found elsewhere; designating all gates in the West Terminal and East Terminal as preferential use space; and retaining the right to consolidate, force relinquishment of, and/or relocate airline leased space, both preferential and exclusive use space.
Tucson	Ensuring that gate utilization is monitored each month using arrival and departure schedules available on an internet based airline and airport industry planning program. Holding monthly meetings with airline station managers and semi-annual Airport and Airline Affairs Committee meetings with property representatives to inform them of gate usage and availability.

Washington Dulles	Accommodated new entrants by providing controlled-gate permits and gate sharing and by leasing ticket counter positions; accommodated expansion of incumbent airlines through reallocation of ticket counter positions.
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II. ARRANGE FOR LEASING AND SUBLEASING

Major Elements of Competition Plan

- Whether a subleasing or handling arrangement with incumbent carrier is necessary.
- How the airports assists requesting airlines to obtain a sublease or handling arrangement.
- Airport oversight policies for sublease fees.
- Process by which availability of facilities for sublease or sharing is communicated to other interested carrier.
- Airport policies regarding sublease fees.
- How complaints by sub-tenants about excessive sublease fees are resolved.
- How independent contractors who want to provide such service as ground handling are accommodated.
- Formal dispute resolution procedure.

Significant Airport Responses

- Beginning to develop dispute resolution process.
- Asserting more control and oversight over sublease fees, terms, and conditions.
- Imposing sublease caps on administrative fees.
- Reviewing and/or pre-approving subleases.
- Notifying carriers of gates available for subleases.

Highlights of Recent Actions Reported by Individual Airports:

Albuquerque	Adopted preferential leases containing "use or lose" provisions and right of the City to reassign a signatory not meeting the minimum use requirement of four daily flights to a City assigned gate; common-use leases assigned on a per use basis; and developed a formal dispute arbitration procedure to resolve disputes when informal means are not successful. Limiting sublease charge to no more than 115 percent of the tenant airline's rentals.
Anchorage	Requires airport approval and caps administrative fees; adopting dispute resolution procedures.
Atlanta	In 2010 CPTC and Delta lease agreement with certain exceptions, required airlines to obtain the City's consent before the airline subleases its preferential use gates. Adopting dispute resolution procedures; monitored, verified and reviewed sub lease fees to ensure that they do not exceed costs.
Austin	Requires airport approval and caps administrative overhead fees.
BWI	Executed a new master use and lease agreement in 2009; drafting a protocol for the resolution of disputes between carriers relating to access that will be distributed to all air carriers serving BWI, established procedures to accommodate requesting airlines at preferentially leased facilities, on a timely basis and under a protocol fair to the signatory carriers; and requiring each signatory airline to develop a universal notification procedure to advise MAA and other airlines when its preferential-use boarding facilities are available for sublease procedure; caps fees and requires airport approval.
Charlotte	Airport approval for subleasing of gate.

Chicago Midway	<p>Defined that the Gate Planning and Review Committee (GPRC) handles disputes related to access at international and City controlled gates. Gate committee is developing dispute resolution procedures for use on domestic gates. Ensured that the City remains available to assist air carriers in obtaining subleases.</p> <p>Capped the amount an air carrier may charge for a sublease to its pro-rata share of its terminal rentals and terminal ramp fees (plus 15 percent) to recover its direct costs and required Commissioner's approval for any fee that exceeds the 15 percent limit. Ensured that there is no cost difference between operating from a leased gate versus a City controlled gate, so as not to impose any premium on air carriers using common use gates.</p>
Chicago O'Hare	Adopting dispute resolution procedures.
Cincinnati	Ensuring that a requesting carrier operating at a preferential gate or ticket counter is permitted to use its own employees or the service providers of its choice for passenger and baggage operations. Obligating air carriers to accommodate/or handle a requesting carrier upon request by a carrier operating at a preferential gate or ticket counter, and prohibiting the bundling of services. Authorizing the Board to review all rates and charges for facilities and equipment charged by air carriers to a requesting carrier for reasonableness and compliance with schedules of categories of allocated costs in the lease.
Cleveland	Pre-approves subleases, caps fees; common-use gate protocol manages gate occupancy times and fines user for failure to comply; adopting dispute resolution procedures. Requiring transparency of cost data in the context of sharing leased premises.
Dallas-Fort Worth	Established formal dispute resolution procedures; developed formal guidelines for approving airline subleases and capping administrative charges; and reviewed all airline subleases under exclusive-use leases; redeveloping policies and procedures regarding terminal and subleasing/ground-handling agreements to enhance and expand flexibility and control of airline gates and related facilities.
Dallas Love Field	Adopted a policy to cap sublease administrative fees. 2009 Restated and Amended Lease Agreement limits sublease rates to the signatory carrier's costs plus a reasonable allowance for administration; specified that a carrier that obtains space at a gate (through sublease or forced accommodation) may gain signatory status.
Denver	Adopting dispute resolution procedures.
Detroit	<p>Caps sublease fees for forced accommodation arrangements; requires airport approval for subleases with new entrants; gate utilization policy assures that subtenant will not be disadvantaged by a schedule change of the tenant.</p> <p>Review sublease fees used in McNamara Terminal; may modify or incorporate "use or lose" provisions in preferential leases; will provide preferential-use lease agreements upon carriers' relocation to North Terminal; In 2009 Lease and Use Agreement ensured that the Authority has the right to consent to all subleases and assignments of leased space.</p>
Houston Hobby/Inter-continental	Formalized the dispute resolution process; adopted non-preferential gate use charges.
Kahului	Requires pre-approval of a sublease and discourages excessive sublease rents; developing formal dispute resolution process.

Las Vegas	Limiting fees paid by carriers assigned to a preferential use gate to standard airport fee rates; using short-term (five year) preferential use and lease agreements; and including a formal dispute resolution process in the scheduled airline operating agreement for air carriers displaced when the airport exerts its right to reassign leased premises.
Manchester	Developed a dispute resolution procedure with a mechanism for timely resolution of complaints, does not lease gates on an exclusive basis; and limits sublease fees to 115 percent of the tenant airlines costs for the facilities. Distributed dispute resolution procedures to carriers operating at the airport and to requesting carriers.
Memphis	Adopting dispute resolution procedures.
Minneapolis	Negotiated lease-sharing requirements by dominant carrier on certain gates; is considering development of dispute resolution system. Requires prior written consent from the Commission before an airline lessee subleases a gate to another airline, requires each airline lessee to comply with the FAA economic discrimination grant assurance provisions.
Newark	Developing more formalized procedures for hearing complaints in addition to considering complaints at station manager or airlines affairs meetings; accommodated expansion of smaller incumbents through overseeing sublease arrangements. Entering into a short-term (5-year) preferential-use lease arrangement with Virgin America.
New Orleans	Using a relatively short-term (5-year) Use and Lease Agreement (Agreement) providing for preferential- or common-use gates. Providing a process to accommodate a requesting airline through sharing of a signatory airline's preferential gates (Use and Lease Agreement, Section 16.02). Providing a system to reassign preferentially leased gates if gate utilization falls below 2 scheduled departures daily (Use and Lease Agreement, Section 16.03). Ensuring that MSY air carriers are aware that the NOAB will intercede on behalf of air carrier lessees if aware of evidence of air carriers charging excessive sublease fees. Ensuring that air carriers may provide their own ground handling or contract with six independent companies on sit at MSY.
Oakland	Requires airport manager's pre-approval for sublease or assignment; restricts amount of assigned space that may be assigned or sublet to another airline; caps fees.
Ontario	Is developing a Gate Use Committee to resolve disputes and set timeline for appeals.
Palm Beach	Pre-approval required for subleases; airport has authority to recapture subleased facilities when they represent over 50 percent of the tenant's leasehold; caps administrative fees; developed dispute resolution policy with timelines, new service incentive participation agreement that grants landing fee credits for a one year promotional period, more proactive procedures for handling requests for gate sharing and subleasing.
Philadelphia	Developed a formal fee and use dispute resolution policy. Requiring prior City approval of ground handling service arrangements and requiring only reasonable fees. Requiring prior City approval for subleases and established a maximum sublease fee of 115% of the signatory's costs. Calculating per turn rates for domestic common use gates commensurate with cost of a signatory airline on a leased gate.

Phoenix Sky harbor	Started a comprehensive review of shared-use agreements, fees, and the actual effect of the bundling of ground handling services; and developed a "Facility Sharing Agreement" for shared-use gates that also capped fees for shared-use gates.
Pittsburgh	Ensuring full utilization of surplus gates by prohibiting exclusive-use leases and requiring minimum usage of preferentially leased gates; converted exclusively leased, long-term gates to month to month lease; regained control of ticket counter positions; is considering adopting procedures for dispute resolution, gate requests, and guidance on sublease fees.
Providence	Developing formal dispute resolution process and developing policy for universal sublease.
Reno	Adopting dispute resolution procedures.
Sacramento	Developing formal dispute resolution process.
San Antonio	Executed a new Airport Use and Lease agreement in 2004 allowing the right to require the sharing of preferential-use leased space, as may be required; removal of the exclusive-use provisions for gates and hold rooms under the former lease agreement. Assigns gates and facilities using several options for use and lease arrangements such as: handling agreement with a signatory airline; sublease with a signatory airline; month-to-month or shorter-term agreement for non-signatory airline; signatory with the city. Reduces the Joint Use Premises charge to encourage use of SAT facilities for small, non-signatory airlines; and required prior written consent by the Aviation Director for all subleasing arrangements. Designated Aviation Director to resolve disputes.
Saint Louis	Airport consent required for subleases; ground-handling fees are subject to airport oversight; preferential-use sublease terms and fees subject to airport oversight; adopted a 5 year use and lease agreement in 2006; requiring pre-approval of all sub lease agreements to ensure charges are reasonable; providing flexibility for charter airlines, new entrants and regional airlines by offering month to month Airline Operating Agreements; and providing meaningful consultation and coordination of airport's rents, fees, and charges with participating airlines.
San Jose	Developed an Airline Access Complaint form and established procedures for resolving complaints within a reasonable time. Oversees sublease fees (per revised lease) and applies, as a matter of policy, sublease fee caps on subleases executed under older master lease. 2007 lease provides same lease terms for legacy and new entrant signatory airlines; increased airport control over facilities through a short-term five year agreement; and more efficient management of disputes through a Resource Management Advisory Committee that provides conflict resolution recommendations.
San Francisco	Adopting dispute resolution procedures.
Tucson	Incorporated a requirement in its signatory agreement that airlines with preferential leased gates make available preferential gates and associated equipment for an amount no greater than the published per use gate fee.

Washington
Dulles

Commissioned a planning study to collect airline schedule data and to develop and confirm Gant charts of the hourly use of all preferential leased and permit controlled gates at IAD as of August 2003 to provide insights into the gate use patterns and activity levels of airlines that lease gates at the airport; and utilize its right of approval or disapproval of a sublease to assure that tenant airlines accommodate requesting carriers. Requires prior approval of subleases and handling agreements; caps sublease fees.

III. PATTERNS OF AIR SERVICE

- Major Elements of Competition Plan**
- Markets serviced.
 - Small communities served.
 - Markets served by low-fare carrier.
 - New markets added or dropped in past year

- Significant Airport Responses**
- Using market analysis to add competitive services.
 - Using marketing tools to attract low-fare services.

Highlights of Recent Actions Reported by Individual Airports:

Albuquerque	Instituted New Entrant Promotional Program as an incentive to promote competition.
BWI	Exempting any promotional fee waiver agreement offered on a non-discriminatory basis from the "Most Favored nations" clause by the MAA pursuant to the Department's revenue use policy; provided marketing support for operations to unserved international markets by new entrant and established carriers through the Cooperative Marketing Initiative; and accommodated a new entrant public charter carrier, and accommodated expanded service by incumbent carriers.
Charlotte	Performed a Competitive Air Service Assessment indicating possibilities for adding low fare carrier service on certain routes; implemented marketing plan to attract additional service; accommodated service by new entrant carriers.
Chicago Midway	Accommodated new entrants, including four air carriers that began service at MDW.
Cincinnati	Accommodated service by five new entrant carriers. Negotiated the conversion of 11 exclusive-use gates to 2 common-use gates and 9 preferential-use gates.
Dallas-Fort Worth	Air service development efforts resulted in the addition of new entrant airlines and new service from incumbent carriers.
Detroit	Accommodated a new entrant; reallocated gate assignments to accommodate the growth of smaller carriers; provided for expanded service by incumbent airlines.
Manchester	Allows a new entrant or existing airline to use vacant gate space on a per turn basis.
Newark	Accommodated service by new entrant carriers. Entering into discussions with Iceland Air to commence service this fall. Continuing discussions with incumbent carriers to add service to new destinations. Continue planning for a new Terminal A in order to provide an efficient and economical terminal that will provide transportation alternatives for the traveling public in a 21 st century facility.
Oakland	Accommodated new entrants.
Palm Beach	Eliminated surcharge on use of common-use gates for a seasonal or temporary basis; is conducting an "air service enhancement campaign" to increase the air service opportunities available at its airport and to enhance the revenue-generating opportunities for airlines.

Pittsburgh	Provides Airline Information Package; adopted Air Service Marketing Incentive Program to encourage new and competitive air service for existing and new carriers; accommodated incumbent service expansion and service by new entrants through the Incentive Program.
Reno	New Airline Incentive Policy implemented; Business Development and Property Administration Division coordinates the accommodation of services and facilities for new entrants, including assisting in negotiations with incumbent signatory airlines and participation in incentive programs.
San Antonio	Established an aggressive air service marketing and development program, along with an incentive program for new routes to attract airline expansion at SAT and increase the number of destinations served from SAT.
Washington Dulles	Accommodated new entrant carrier, by arranging for a controlled-gate permit (carrier, however, returned its operations to DCA).

IV. GATE ASSIGNMENT POLICY

Major Elements of Competition Plan	<ul style="list-style-type: none"> • Method of informing carriers of gate assignment policy. • Methods for announcing to carriers when gates become available. • Policies on assigning RON positions.
Significant Airport Responses	<ul style="list-style-type: none"> • Adopting gate assignment protocols with consideration for new entrants. • Changing signatory policies to lessen burdens on new entrants. • Notifying all carriers of gate availability.
Highlights of Recent Actions Reported by Individual Airports:	
Albuquerque	Use of competitive and efficient arrangements to assign gates.
Anchorage	Posts gate utilization information and availability on web site; is required to post public notice prior to leasing space. Planning construction of 3 new RON positions to be completed after recapture of 5 RON positions.
Atlanta	Will add link to web site for tenant information; will post information on underused gates after gate use surveys.
BWI	Revised policy to offer signatory status to any airline willing and qualified to assume substantially similar obligations as those required of a signatory carrier when, due to the physical space limitations at the airport, that airline is otherwise precluded from leasing a full complement of space. Also, will post gate/hold room availability information on its web page and will advertise announcements of gates. Retaining the right to assign an airline to use another airline's preferential-use boarding facilities when not scheduled for use and if other convenient common-use facilities are not available; requiring each signatory airline when its preferential-use boarding facilities are available for sublease to establish a fair and transparent bidding or negotiating sublease procedure; and developed a reservations protocol for Common-Use Boarding Facilities, after consulting with and receiving comments from signatory and non-signatory airlines.
Charlotte	Non-signatory/new entrant landing fee is the same as a signatory landing fee.
Chicago Midway	Eliminated any remaining grandfathered lease provisions from the 1997 Airport Use Agreement and Facilities Lease, for which there were lesser utilization requirements.

Chicago O'Hare	Notified all carriers by facsimile of availability of common-use gate; developed rules and regulations regarding the operation of domestic common-use gates and gate access and assignment procedures for common-use gates.
Cincinnati	Adopted policies and procedures for issuing common-use permits. Requiring air carriers to furnish flight schedules, including a gate utilization chart, for preferential use gates, to the Board's Competition Plan Coordinator up to 12 times per year.
Cleveland	Accommodated new entrant; is adopting procedure for universal notification of sublease availability.
Dallas- Fort Worth	Improving the process by which monthly gate activity information is disseminated to all airlines serving or intending to serve the Airport. Accommodated relocation of incumbent carriers, expansion of incumbent carriers, and service by new entrants. Implementing the direct distribution of Monthly Gate Activity Reports to all interested airlines to facilitate Airport decisions on relocation of airlines to maximize capacity and to accommodate new or expanding airlines.
Dallas Love	Introduced a notification system advising all air carriers of gate availability. In 2009 Restated and Amended Lease Agreement required airlines to provide the city with a monthly report tracking the airline's gate assignment and gate usage data.
Houston Inter- continental	Reassigned underused leased space to an incumbent air carrier for its expansion.
Las Vegas	Maintaining inventory of RON positions and the use of a RON assignment policy related to gate positions; designated the airside operations staff to monitor RON utilization; accommodating access requests of several new entrants and expanding carriers; and maintaining a roster of approved ground handling contractors available for use by new entrant carriers.
Manchester	Monitors RON parking positions and keeps at least one position open for a requesting carrier, developed guidelines for subleases and ground handling providing for review and consent of documentation by the Aviation Department and formalized a gate monitoring program.
Miami	Prohibits carriers from controlling gate assignments and from transferring or assigning ticket counter positions; requires sharing of contiguous and under-utilized ticket counters.
Nashville	Posts information on gate availability on its web site.
Newark	Notified interested subtenant carriers of potential gate availability during Master Lease Utilization review process; adopted common use procedures (for use to resolve competing interests in a gate) with a priority to new entrants offering competitive services.
Oakland	Provides written notification to airlines as gates become available and includes estimate date of availability; requesting airlines must provide current and planned schedule information.
Philadelphia	Intends to assign new gates on basis of accommodating competitive airline service, considering, among other factors, whether airline is a "low fare" airline, nonstop markets, size of aircraft, frequency of operations, etc.
Pittsburgh	For PFC-financed gates, airport will give priority to new, competitive airline service; signatory fee status not dependent on minimum leasehold.

Phoenix	Provides gate use and schedule information to prospective entrant carriers; provides New Entrant Information package, containing gate utilization information, to prospective entrant to enable it to make informed decision on which incumbent air carriers to contact for shared gate agreements.
San Antonio	Under the 2004 Airport Use and Lease Agreement has the right to reassign airline space from one carrier to another carrier as a measure of obtaining optimum balance in the overall utilization of available terminal/apron facilities.
Sacramento	Replaced County ordinance gate assignment process with a lease agreement providing for short-term, preferential-use leases subject to airport reassignment; is developing Airline Information Package to be provided on airport's web page.
Saint Louis	Signatory status is available to subtenants; gate assignment procedures will be published on web site; simultaneously advises all carriers of gate availability; will use its web site to publish relevant information for serving airport; is developing and placing timelines for access; City agent is contact point for City gates as well as facilitating sublease accommodation.
Washington Dulles	Assessing the benefit of using the web-based gate monitoring software for periodic gate reallocation analyses and to determine availability of gates for accommodation purposes. Accommodated service by seven new carriers.

V. GATE USE REQUIREMENT	
Major Elements of Competition Plan	<ul style="list-style-type: none"> • Gate use monitoring policy. • RON monitoring policy. • Requirement for signatory status. • Minimum requirements for a lease. • Accommodation priorities. • Common-use gate usage policies. • Methods for calculating rental rates for common-use gates.
Significant Airport Responses	<ul style="list-style-type: none"> • Developing per-gate use monitoring policies. • Making gate usage information available. • Adopting similar minimum utilization requirements for incumbent and new entrant carriers.
Highlights of Recent Actions Reported by Individual Airports:	
Albuquerque	Monitored gates through the use of scheduled operations for assigned gate usage and actual operations for all unassigned gates; and accommodated an incumbent (Frontier Airlines) as a signatory airline at one preferential-use gate.
Anchorage	Uses its newly installed Multi-User Flight Information Display System (MUFIDS) to identify space to fill specific requests as they arise and to determine which gate are subject to recapture; information is made available upon request and on web site; RON positions are monitored through ground handler.
Atlanta	IN 2010 CPTC and Delta lease agreement required accommodation of air carriers seeking to expand or enter the airport through temporary or shared use of preferential use gates and provided open access to the airport by means of a process for recapture and reallocation of preferential use gates based on substantial reduction in utilization. Implemented FIDS system.

Baltimore	Requiring a signatory carrier to meet at least an average of five jet aircraft daily departures (counting as 50 percent of departures of jet aircraft with less than 100 seats) and requiring monthly Activity Reports. Reclaiming an underused preferential-use boarding facility (including hold rooms co-located gates and boarding devices) if the airlines does not produce a plan to meet the minimum use within 90 days; accommodating a carrier whose preferential-use boarding facility was reclaimed; and assigning reclaimed facilities on either a common-use basis or pursuant to a preferential-use lease to a carrier that meets the minimum-use requirements; and installed CUTE at common-use facilities and gates in the International Concourse.
Burbank	Provided the Authority with the right to install a Common Use Passenger Processing System (CUPPS) at the airport, which will then become the standard for signatory and non-signatory carriers at the airport.
Charlotte	Monitors gate utilization.
Chicago Midway	Established the Gate Planning and Review Committee (GPRC), which is responsible for monitoring the administration of international and domestic gate procedures; implemented a pilot system to monitor gates; and monitors gate utilization of carriers with preferential gates. Provided for more City controlled common use gates, increasing from 5 common use gates in 2004 to 12 (of the 43 gates at MDW). Committed to use the City controlled gates, within the parameters of the Access and Assignment Procedures, to accommodate new entrant air carriers and air carriers desiring to expand their service at MDW. Maintained requirement that all leased gates meet the daily average utilization standard of 1,000 departing seats (per leased gate, per day).
Chicago Midway	Monitors gates on a per-gate basis to track airline compliance with preferential lease utilization requirements, implement shared-use provisions, develop gate use procedures, and analyze construction phasing, and develop utilization criteria. Also used to schedule airport services such as parking, custodial services, concessions and security. Established the Gate Planning and Review Committee (GPRC), which is responsible for monitoring the administration of international and domestic gate procedures, implemented a pilot system to monitor gates, and monitors gate utilization of carriers with preferential gates.
Chicago O'Hare	Implemented a pilot system to monitor the actual utilization of gates.
Dallas-Fort Worth	Instituted formal Gate Monitoring and Reporting Procedures, under auspices of a Gate Monitoring Task Force, in support of PFC competitive access assurance, using FIDS-produced monthly gate activity reports and flight activity reports, for summary daily gate utilization activity by gate and terminal. Introducing new software into FIDS-based gate monitoring system to integrate current gate utilization data sources with FAA direct-feed data source (VOLPE) to provide real-time gate use information and facilitate monitoring/identification of major schedule gaps in gate activity.
Denver	Will negotiate a narrower "preferential" gate availability window with its hubbing carrier and will review the use/lose provisions to ensure they are pro-competitive; drafted 5 Year Strategic Business Plan.
Detroit	Formulated a policy for (1) a gate allocation package that will chart scheduled daily and weekly departures per carrier and (2) an on-going gate monitoring program to determine whether minimum utilization is met. In the new 2009 Lease and Use Agreement established a Gate Planning Coordinator and a Gate Planning Review Committee that will review and coordinate scheduling plans, recommended revisions to procedures, monitor procedures and recommend resolutions to conflicts.

William P. Hobby/ George Bush Inter- Continental	Prepares gate monitoring and gate flow planning reports to determine gate availability and to facilitate gate allocations.
Las Vegas	Adopted common use terminal equipment and common use self service kiosks throughout the airport; and established and maintained an extensive gate monitoring program to assess gate usage fees and ensure maximum gate utilization.
Miami	Has an active gate-monitoring program to control gate assignments on a daily basis.
Milwaukee	Established gate usage protocol by airport management to help monitor and determine when preferential leased gates will be available for new entrants or expanding carriers; and installing a Com-Net flight information display system for monitoring usage of all gates.
Minneapolis	Generates bimonthly gate plot based on scheduled gate usage, modified to reflect actual usage.
Newark	Prepared Aircraft Gate and Ticket Counter Utilization Study, to ensure efficiency of use and facilitate the accommodation of requesting carriers; directed airlines to report gate usage on a monthly basis to airport.
Oakland	Monitors gate usage and analyzes and maps flight schedules on a weekly basis to determine availability of space and minimum gate usage, for purposes of determining whether to exercise the 30 day revocation process for a preferential-use gate permit; Implementing CUTE system at gates; monitors RON assignments and use.
Palm Beach	Monitors common-use gate utilization and uses airline provided monthly reports and airport daily monitoring to oversee preferential-use gate usage to determine whether a reallocation of gates should be undertaken to better balance user needs with terminal capacity, and for marketing purposes, that is, identifying high demand or unserved demand markets. Conducted a comprehensive assessment of gate utilization.
Philadelphia	Monitored use on exclusively leased gates, for compliance with PFC Assurance No. 7 and incorporated use or share provision in PFC-financed preferentially leased gates; incorporated use or lose provisions in other preferential-use agreements; intends to incorporate use or lose provisions in future preferential leases. Installing multi-user flight information display system in all terminals to enable real-time monitoring of gate utilization airport-wide and integrating software to validate airlines' flight activity reports against real-time gate operations. Established daily average minimum use requirements by a number of preferentially leased gates and monitoring gate utilization on a quarterly basis, where necessary to accommodate a requesting airline. Activating pro-competitive "change of facility status" provisions for underutilized preferentially leased gates.
Pittsburgh	Uses new software to monitor gate usage on all gates and to identify opportunities to accommodate new entrants and maximize facility utilization.

Phoenix	Performs periodic studies of flight schedules to monitor gate utilization; will use the studies to communicate gate availability to prospective entrant carriers and will incorporate it in new entrant airline packet; will also use studies to better manage and adjust operating schedules for terminal food beverage and retail concessions; will perform formal gate utilization analysis for each carrier when vacancy rates subside; completed a formal gate utilization analysis that will be updated every other year.
Providence	Monitors gate use relying on airline schedule information; uses this information to assist a new entrant in identifying a potential signatory carrier to accommodate it.
San Antonio	Considering implementing a formal gate-monitoring program should the number of unassigned gates fall below 15 percent of the total City-operated common-use and vacant gates and assigns all RON position on a first -come first-serve basis.
Sacramento	Monitoring gate use.
Saint Louis	Adopted a new 5 year use and lease agreement in 2006 which designates all gates in the West and East Terminal as preferential use and establishes an average gate utilization requirement (by the airline and/or its affiliate or partner airlines) during a six month period, on a use or lose basis.
San Jose	Facilitating access by requesting carriers to offer only common use or preferential uses of gates, ticket counters, and baggage facilities.
Tucson	Converting all non common use gates to preferential use and requiring all signatory airlines to become subject to the accommodation language that allows TAA to assign the use of preferential leased, underutilized gates to other carriers. Ensuring that common use gates are assigned for use by airlines on a first come, first served basis.
Washington Dulles	Tested a web-based software system (at Reagan Washington National Airport that correlates MUFID gate assignment data with real time aircraft positioning, with a follow-on assessment of data applicable to gate reallocation analyses, to determine the Authority's ability to accurately assess current and historical air carrier gate usage. Monitor the use of airport facilities using published airline schedules, information from airline station managers, and from observations by airport management to effectuate the contractually required reallocation every three years (completed during the fall of 2002) or to respond to a requesting airline's request for accommodation between the 3-year reallocation opportunities.

VI. FINANCIAL CONSTRAINTS

Major Elements of Competition Plan

- Major source of revenue for terminal projects.
- Use of PFCs for gates and related terminals.
- Availability of discretionary income for capital improvement projects.

Significant Airport Responses

- Using discretionary income for gate projects.

Highlights of Recent Actions Reported by Individual Airports:

Albuquerque	Capped the administrative fee charged by signatory carriers at 15 percent.
Anchorage	2009 Airline Operating Agreement permits airport to rate-base capital projects required to accommodate a new entrant or expanding airline, under certain conditions.
Burbank	In 2010 Agreement clarified rate setting methodology, including the Affiliate Air Transportation Company definition in the new Agreement, thereby entitling certain rights and responsibilities to the affiliate through its airline (signatory) partner and reducing the term of the Agreement to five years from the previous 30 year Agreement.
Baltimore	Established an equalized rates and charges methodology to create a level playing field in which airlines can compete better for facilities and air services opportunities at BWI, and updating airline rates and charges to provide adequate cost recovery to the Maryland Aviation Administration (MAA).
Chicago O'Hare	Purchased exclusive-use gate with discretionary funds and converted it to common use.
Las Vegas	Using PFC revenue for terminal expansion projects and maintaining a capital improvement account which may be used at the City's discretion for airport capital improvement projects. Pending PFC review by FAA, planning the ultimate build out of Terminal 3 to be completed by 2013, with all 14 gates expected to be county common use.
Newark	Intends to apply for PFCs to use for planning terminal expansion.
Philadelphia	Utilized PFC financing to add domestic and international gates; and adopting a rate methodology by which the City retains significant amounts of discretionary funds.
San Antonio	Included a provision in the Airport Use and Lease Agreement that limits the weighted majority of airlines to a 180-day deferral of capital construction projects that they do not agree with.
San Francisco	Adopted differential terminal fees based on services or competitive rates.
San Jose	2007 lease and operating agreement: (1) encourages air service through a municipally-funded air service incentive program effective when the percentage growth in annual airport enplanements exceeds the annual growth in enplanements nationwide; (2) eliminates additional airline consultation for construction of an additional 12 gates, when flight or passenger activity reaches an agreed upon level; and (3) assists with meaningful airport-airline consultations by notifying airlines of the proposed rates and charges each year and agreeing to meet with airlines to discuss proposed fees.

Washington Dulles	Added 26 regional jet gates in 2004 to support near-term demand, using PFC bonds as well as other means of financing.
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VII. AIRPORT CONTROLS OVER AIRSIDE AND GROUNDSPACE CAPACITY

Major Elements of Competition Plan

- Majority-in-interest (MII) clauses covering projects.
- Projects delayed because MII clauses revoked.
- Plans to modify existing MII agreements.

Significant Airport Responses

- Exempting capital projects necessary for competition from MII votes.

Highlights of Recent Actions Reported by Individual Airports:

Albuquerque	Gaining approval of the signatory airlines for its CIP program.
Atlanta	In 2010 CPTC and other use agreements with Delta adopted a new conflict of interest provision preventing an air carrier from participating in MII votes if the carrier is bidding on a contract, replaced a 30 year CPTC lease agreement with a relatively short-term, 7 year agreement,
BWI	As part of 2009 Use and Lease Agreement clarified that signatory airline concurrence is not required for capacity enhancing passenger terminal capital improvement projects when requested facilities are unavailable for a carrier and defined that airline concurrence is not required for projects which the airport does not propose amortizing the capital costs in the airline cost center rate base.
Chicago Midway	Opened five RON positions.
Dallas Love	In 2009 Amended and Restated Lease Agreement exempted certain types of projects from the MII clause.
Las Vegas	Committing to pursuing the elimination of the MII clauses in a new Signatory Airline Agreement.
Minneapolis	Established airfield capital project contingency account, for future use, that is exempt from MII control, providing for MII approval waiver of the Commission's capital improvement program for miscellaneous capital projects, allow airlines using Lindbergh Terminal International Arrival Facility more operational flexibility by using services of a third-party ground handling company for below wing handling.
Nashville	May consider as not enforceable, an MII vote against a development project for the purposes of excluding competition, when the development project is necessary for the airport to meet its obligation to provide access on reasonable terms as required by the AIP assurances.
Oakland	RON monitoring and assignment.

Philadelphia	Limiting MII provisions for projects that are not included in the preapproved capital program.
Pittsburgh	Plans to fund new gate monitoring software with PFCs; utilized PFCs to construct common-use baggage claim check facilities to provide for multi-carrier use.
Providence	Interprets MII clause that excludes from MII concurrence projects to comply with Federal requirements as permitting airport to construct terminal facilities to enhance competition without MII approval.
San Jose	2007 new lease and operating agreement provides funding for capital improvements through a new revenue sharing agreement and relaxes MII approval requirements by permitting airport to undertake proposed projects one year after an MII disapproval; and exempting from MII approval projects financed by a signatory airline or through a special purpose revenue bond and projects required by FAA/DOT, among others.
St. Louis	Requiring pre-approval of the 5 year Capital Improvement Program and mitigating the short-term financial impact of the runway to a participating airline that maintains and over time increases its STL activity level.

VIII. AIRPORT INTENTIONS TO BUILD OR ACQUIRE GATES TO BE USED AS COMMON FACILITIES

Major Elements of Competition Plan

- Common-use gates available.
- Common-use gates scheduled to be built.
- International gates available for domestic use.
- Fee differences between international gate use for domestic service and domestic gates.
- Carrier reliance on common-use gates.

Significant Airport Responses

- Utilizing discretionary income to acquire common-use gates.
- Adopting common-use gate fees comparable to fees charged for leaseholds.

Highlights of Recent Actions Reported by Individual Airports:

Anchorage	Converted from exclusive to short-term preferential (subject to recapture) and common-use gates. Converted three gates to common use.
Atlanta	Converted exclusive use gates to preferential use, such that a total of 114 gates and parking positions are assigned on a preferential use basis and 10 gates and parking positions on a common use basis. Designates 6 of 12 gates in the Maynard Holbrook Jackson Jr. International Terminal as common use, with priority scheduling.
BWI	Converted 13 gates to domestic common-use; procured gate management software, which will be used in the first phase, to manage common-use gates and the Remain Overnight parking positions on the cargo ramps; in the second phase, MAA will consider expanding its use to all gate at BWI. Will evaluate potential benefit of installing CUTE on the domestic common-use gates to determine whether this could increase usage of existing gates and thereby increase overall terminal capacity; and evaluate proposals for a new multi-user flight information and baggage information display system.
Charlotte	Increased number of common-use gates from 18 to 39.
Chicago O'Hare	Converted exclusive-use gate to common use.
Cincinnati	Converted gates and ticket counters from exclusive to preferential use, thereby allowing for the accommodation of new or expanding carriers, designated previously exclusive leased gates and ticket counters as "limited preferential use" thereby allowing the assigning and reassigning of these gates and ticket counters to a requesting airline. Providing air carriers with non-exclusive use of equipment associated with applicable gates and ticket counters.
Cleveland	Adopted protocol for common-use gate with priorities given for (a) use by existing carrier that does not lease a gate, (b) a new entrant, and (c) an carrier seeking to expand; would apply this protocol, as needed to exclusive-use gates. Three gates converted to common use; common use gate legislation passed by City; gate program management contract developed; protocol adopted. Designating all gates, except those constructed with Special Facility Revenue Bonds, as preferential use with a use or lose provision based on 3 daily departures.
Dallas-Fort Worth	Acquired control of several additional gates, one of which was converted from exclusive-use to common-use controlled by the Airport. Implementing plans for Airport control, scheduling and operation of six wide-body, international-service capable, common-use gates and related facilities in Terminal D.

Dallas Love	In Amended and Restated Lease Agreement agreed to administer any existing gates that revert to the city as common use.
Detroit	Recaptured eight gates for new or expanded service due to carriers' relocations. Is constructing additional gates. In new Lease and Use Agreement provided for 5 common use gates, 4 of which have sterile corridor access to the FIS.
Houston Hobby/Inter-continental	Use CUTE system at all ticket counters; IAH has constructed common-use and preferential-use gates; HOU has common-use gates and is developing a standard fee for any common gate use to charge separately for gate use, ticket counter, and common facility use to eliminate confusion in combined "per turn" rates.
Las Vegas	Constructing 3 additional common use gates in the Northwest Wing of Concourse D.
Milwaukee	Converting 12 exclusive use gates to preferential in conjunction with the use of PFC funding for new gates, and jet bridges. Relocating existing carriers from exclusive to largely preferentially leased gates on newly constructed "C" Concourse. Keeping 4 PFC-financed gates under airport control, on an unassigned basis until they may be leased on preferential basis.
Minneapolis	Converted several gates to common-use; developed entry-friendly common-use gate protocol, created a consolidated group of short-term gates, reduced the maximum amount of time necessary for the Commission to force accommodation on another airline from forty days to twenty days.
Nashville	Has several common-use gates available for requesting carriers; airport will negotiate vacant gate recapture, upon request.
Newark	Accommodated new entrant on common-use gate. Intends to convert an underutilized exclusively leased gate to common-use.
New Orleans	Currently undergoing a new terminal feasibility study to determine the number of gates to be built. Acquiring additional PFC-financed jet bridges.
Oakland	Plans to construct common-use gates.
Palm Beach	Recaptured one leased gate and converted to common use.
Philadelphia	Plans to construct preferential or common-use gates. Calculating per turn rates for domestic common use gates commensurate with cost of a signatory airline on a leased gate.
Phoenix Sky Harbor	Conversion of one gate in Terminal 3 to common use.
Pittsburgh	Constructed with PFC funds new common-use baggage claim check facilities. Intends to renegotiate MII clause at the earliest opportunity.
Providence	Recaptured one gate.
San Antonio	Completed installation of a MUFIDS equipment that will assist the City's gate monitoring program; plans to construct a new seven gate Concourse B (scheduled for completion by 2007); and plans to construct and eight gate Concourse C which will be expandable up to 11 gates (projected for completion in 2009).
San Francisco	Recaptured 9 previously exclusive-use gates for common or preferential-gates.

San Jose

In 2008 lease and operating agreement encouraged efficient use of gates by allocating preferential use gates to airlines on the basis of each airline's scheduled seat percentage, through annual determinations and allocations, and assisting new entrants and incumbents wishing to expand by authorizing the city to schedule requesting airlines at preferential use gates and ticket counters during unused time periods.

Washington
Dulles

Developing a fourth runway and new air traffic control tower to assist the airport in managing the forecasted future gate development.

IX. AIRFARE LEVELS AS COMPARED TO OTHER LARGE AIRPORTS

Major Elements of Competition Plan

- Carrier local passenger, average fare, market share and average passenger trip-length data.
- Data above compared to other airports.

Significant Airport Responses

- Using fare data to illustrate competitive strength.
- Using market share data to attract new service.

Highlights of Recent Actions Reported by Individual Airports:

Chicago O'Hare	Using fare data, actively tracks O'Hare's competitive position relative to other markets.
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Palm Beach	Using market share data to highlight market opportunities for new and incumbent carriers.
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September 1, 2016

Joe Hebert
Manager, Financial Analysis and
PFC Branch
Office of Airports - APP-510
800 Independence Ave. SW
Room 619
Washington, DC 20591

Dear Mr. Hebert:

The City of Charlotte ("City"), as owner and operator of Charlotte Douglas International Airport (the "Airport"), has previously submitted to the FAA an initial competition plan as required by Section 155 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR-21), Pub. L. 106-181, as well as two updates as required by FAA policy, all of which have been approved. The FAA approved the City's last competition plan update in 2004.

Earlier this year, the City executed a new Airline Use Agreement ("AUA") with American Airlines, Delta Air Lines, United Airlines, Southwest Airlines and JetBlue Airways (collectively, "Signatory Airlines") effective July 1, 2016 ("Effective Date"), triggering the need to submit an update to our competition plan. Please accept this document as our requisite update for FAA's consideration.

The prior AUA was originally executed in 1978 and then amended and restated in 1985 to run through June 30, 2016. The Airport initiated negotiations a year in advance, engaging representatives of all interested airlines in the discussions, including those who were not signatories.

The expiration of the thirty-year old deal reflected in the prior AUA was a welcome opportunity to maintain our successful business arrangements while modernizing and enhancing our contractual terms moving forward. More specifically, one of the City's prime aims was optimizing the use of terminal capacity and enhancing the opportunities for competition at CLT. The City is confident that the new AUA advances these important objectives, shared by the City and FAA.

The City understands that, in order to satisfy FAA's competition plan update requirements, we must address four elements: changes from the last FAA competition plan approval; reasons for not instituting FAA recommendations, if applicable; responses to the FAA's comments from the last approval; and public availability. See FAA Order 5100.38D, Table X-4.

1) Changes Since the Last FAA Approval. The City believes that the new AUA is a significant improvement over the former AUA for many reasons. For one, it replaces a system of exclusively leased gates for signatory carriers with preferentially leased gates. For another, it replaces an antiquated, cumbersome contract with a new, state-of-the art agreement that presents lease terms and rate-making methods in simple and transparent terms. The FAA has already reviewed the AUA, and a brief written description of the major changes specific to competition is presented below. Although the FAA and the City agree that a full blown restatement of all elements of an initial competition plan is not required for an update, the City has nevertheless organized its presentation of the key benefits of the new agreement in general keeping with the required contents of an initial competition plan to facilitate FAA's review of the new AUA. See FAA Order 5100.38D, Table X-3.

The key changes include:

a) Availability of Gates and Related Facilities.

- *Elimination of all exclusively leased gates.* Under the Former AUA, 48 gates were leased exclusively to Signatory Airlines. Today no gates are. Each gate within the Terminal is now designated by the City either as a preferential use gate for usage by a particular Signatory Airline so long as the Signatory Airline maintains the required average minimum use level on all of its preferential use gates, or as a common use gate. As of the Effective Date, the City has designated 87 of the Airport's gates for preferential use, and has retained 10 under its control as common use gates for use by any airline.
- *Elimination of all exclusively leased ticket counters.* All ticket counters are now designated by the City as either a preferential use ticket counter or common use ticket counter. The City now has approximately 2,200 square feet of common use ticket counter space under its control for use by any airline.
- *Elimination of all exclusively leased baggage make-up and baggage claim areas.* The City has now designated 100% of the baggage make-up and baggage claim areas as joint use space for use by the Signatory Airlines and other airlines.
- *Introduction of the City's right to assign new gates.* While Signatory Airline approval is required for the construction of new gates and related facilities and space, the City has reserved the right to assign those spaces in its sole discretion.
- *Introduction of Airline's right to right-size.* Each Signatory Airline now has the one-time right to reduce (within certain limitations) its leased premises five years after the Effective Date, including the return of preferential use gates to the City for possible reassignment to other carriers

who need the gates. Additionally, the Signatory Airline has the right (subject to the City's approval) to request additions to its leased premises at its sole cost and expense.

- *Introduction of the City's right to accommodate.* The City will seek to accommodate new entrants or existing airlines wishing to begin or expand their operations at the Airport at the City's common use gates. However, if at some point in the future the City is unable to do so, the City now has the right to accommodate the requesting carrier at a Signatory Airline's preferential use gates.

b) Leasing and Subleasing Arrangements.

- *No subleasing required.* A carrier does not have to enter into any lease or sublease arrangement with another carrier. Instead, the new AUA introduces the concept of preferential gates and the City's right to accommodate a requesting carrier at a preferentially leased gate. The requesting carrier must only have an operating agreement with the City or be a Signatory Airline to the AUA.
- *Comparable charges.* A requesting carrier that is accommodated on a preferential use gate must pay the same charges for use of the space that the requesting airline would have been required to pay the City for use of a common use gate plus (except in highly unusual situations) a fifteen percent (15%) administrative fee.

c) Gate Use Requirement.

- *Introduction of gate utilization targets.* Signatory Airlines are obligated to meet minimum levels of aircraft operations at all of their preferential use gates in order to use or continue to use their preferential use gates.
- *Introduction of the City's right to recapture underutilized gates.* When a Signatory Airline does not meet one or more applicable preferential use gate utilization targets for six consecutive months, the City has the right to recapture it. The City's ability to recapture underutilized preferential use gates helps ensure that use of the Airport's limited gate capacity is being optimized.

d) Gate Assignment Policy.

- *Establishment of Airport's central point of contact for airlines.* The Airport implemented a new division of Business and Revenue whose sphere of responsibility includes all airline business matters. The division is headed by the Assistant Aviation Director of Business and Revenue who managed the AUA negotiation process over the course of the past year. Within the next 30 days, the division is expected to also have an Airline Affairs Manager. The Business and Revenue division now serves as the central point of contact for airlines that currently serve or desire to serve CLT. Through these administrative efforts, the City believes it can ensure comprehensive and consistent communication with both current and prospective air carriers.

- *Introduction of City's right to reallocate preferential use gates.* Five years after the Effective Date, the City has the one time (i.e. one time during the term) right to reallocate preferential use gates in order to optimize the use of the Airport's facilities and promote competition among airlines operating or seeking to operate at the Airport.
- *Consolidation of standards and guidelines for signatories and non-signatories.* The body of the AUA details the requirements for signatory carriers. Those carriers who have not signed the AUA can still operate at the Airport as parties to a non-signatory operating agreement, which is incorporated into the AUA as an exhibit.

e) Financial Constraints.

- *Clarification of extraordinary coverage protection.* The new AUA explicitly requires the Signatory Airlines to provide the Airport with extraordinary coverage protection, which serves as a financial backstop for the Airport debt. If a time ever occurs when the Airport cannot meet its debt obligations, the airlines are financially committed to pay the debt.
- *Implementation of Fuller Cost Recovery.* The new AUA enhances and streamlines the airline rates and charges methodology, providing the Airport the opportunity to recover the cost of providing certain terminal operating expenses that were not recoverable under the former methodology. These additional revenues will enhance both the Airport's financial metrics and overall financial self-sufficiency.

f) Airport Control over Capacity.

- *Memorialization of Pre-Approved Projects.* The new AUA provides for a robust list of pre-approved projects and exempt projects that are not subject to MII review. The new AUA secures the Signatory Airlines' commitment to making an investment of nearly \$500 million in airport improvements as part of a ten year capital investment program that will expand the terminal capacity.
- *MII Exemptions.* The new AUA does provide for MII review and disapproval (under a "negative MII" provision), however it provides for an exemption from the airlines' approval process for adding capacity for a new entrant or an existing carrier who desires to expand. The AUA also specifies that, pursuant to federal law, no project is subject to MII to the extent it is financed by PFCs or PFC-backed bonds.

g) Acquisition or Construction of Common Use Facilities.

- The AUA provides airline pre-approval for the construction of 17 new gates and gives the City discretion to determine how they are assigned. The City has the ability to expand if necessary; as noted in 1 (f) above, projects needed to ensure competitive access are exempt from MII approval.

h) Public Availability.

- The AUA and this document are posted at www.cltairport.com under the following link:
<http://www.cltairport.com/News/Documents/Federal%20Resources/Airline%20Use%20and%20Lease%20Agreement%20July%201%202016-June%2030%202026.pdf>

2) Reasons for Not Instituting FAA Recommendations. This element does not apply. FAA has not previously recommended that the City adopt a particular management or operating practice at the Airport, nor has the City declined to follow any such recommendation.

3) Responses to FAA's Comments from Last Approval. In FAA's previous approval, dated May 6, 2004, the only issue raised was public availability. The City has posted this competition plan update on its website. The City's competition plan update material (i.e. this submission and the new AUA) can now be found online at the link noted above.

4) Public Availability. In accordance with 49 USC § 47107(a)(15) and as detailed above, this competition plan update is available to the public.

Sincerely,



Haley Gentry
Assistant Aviation Director for Business and Revenue

cc: Brent Cagle, CLT
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Troy Butler, FAA
Tommy Dupree, FAA
Cathy Nelmes, FAA
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