

UNITED STATES DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, DC

ORDER

**FAA Order
Number:**

ODRA-08-475

Matter:

**Protests of Air Transport Association, Northwest Airlines, Inc.,
Continental Airlines, Inc., US Airways Group, Inc., United
Airlines, Inc., Delta Airlines, Inc., The Port Authority of NY &
NJ and The New York Aviation Management Association
Pursuant to SIR Posting 6996**

Docket Nos.:

**08-ODRA-00452 through -00457 and -00461, -00462
(Consolidated for Decision)**

Date Served:

September 30, 2008

These consolidated Protests were filed with the Federal Aviation Administration (“FAA”) Office of Dispute Resolution for Acquisition (“ODRA”). The Protests challenge the FAA’s plan to lease, through a competitive auction, one aircraft takeoff slot and one aircraft landing slot at the Newark Liberty International Airport (“Slot Auction”).

For the reasons set forth therein, I hereby adopt and incorporate the attached Findings and Recommendations of the ODRA and: (1) dismiss for lack of standing the Protests of the Air Transport Association, the Port Authority of New York and New Jersey, and the New York Aviation Management Association, all of whom are not potential bidders in the Slot Auction; (2) deny the Protests of Northwest Airlines, Inc., Continental Airlines, Inc., US Airways Group, Inc., United Airlines, Inc., and Delta Airlines, Inc. (“Carrier Protests”), to the extent that they allege the FAA is not authorized to lease property interests through use of an auction and that the Slot Auction Solicitation is deficient; and (3) dismiss all other grounds of the Carrier Protests inasmuch as they do not challenge Slot Auction

procedures and raise constitutional and non-procurement legal issues not appropriate for adjudication in the context of a bid protest proceeding before the ODRA.

This is the final Agency order in this matter. To the extent that this decision is subject to review, such review shall be sought in accordance with 49 U.S.C. § 46110 and the ODRA Procedural Rule, 14 C.F.R. § 17.33, within sixty (60) days of issuance of this Order.

Issued this 30th day of September, 2008
Pursuant to a Delegation of Authority
From the FAA Acting Administrator*

-S-

Kerry B. Long
Chief Counsel

* By delegation dated September 30, 2007, the FAA Acting Administrator delegated final decisional authority to the FAA Chief Counsel for all ODRA matters.