Office of the Secretary, DOT

§ 302.716

matters confidential, every partici-
pant, as defined in paragraph (e) of this
section, shall file a verified compliance
report with Department of Transpor-
tation Dockets stating that he or she
has complied in every respect with the
conditions of this section, or if he or
she has not so complied, stating in de-
tail in what respects he or she has
failed to comply.

(e) Persons subject to the provisions of
this section. For the purposes of this
section, participants shall include:

(1) Any representative of any air car-
rier and any representative of the U.S.
Postal Service actually present at the
conference;

(2) The directors and the officers of
any air carrier that had a representa-
tive at the conference;

(3) The members of any firm of attor-
neys or consultants that had a rep-
resentative at the conference; and

(4) The members of the U.S. Postal
Service staff who come into possession
of information obtained at the con-
ference, knowing that such informa-
tion is subject to the restrictions im-
posed in this section.

§ 302.712 Information to be requested
from an air carrier.

When an air carrier is requested to
submit detailed estimates as to traffic,
revenues and expenses by appropriate
periods and the investment that will be
required to perform the operations for
a future period, full and adequate sup-
port shall be presented for all esti-
mates, particularly where such esti-
mates deviate materially from the air
carrier’s experience. With respect to
the rate for a past period, essentially
the same procedure shall be followed.
Other information or data likewise
may be requested by the DOT employ-
ees. All data submitted by the air car-
rier shall be certified by a responsible
officer.

§ 302.713 DOT analysis of data for sub-
mission of answers thereto.

After a careful analysis of these data,
the DOT employees will, in most cases,
send the air carrier a statement of ex-
ceptions showing areas of differences.
Where practicable, the air carrier may
submit an answer to these exceptions.
Conferences will then be scheduled to
resolve the issues and facts in accord-
ance with sound ratemaking principles.

§ 302.714 Availability of data to the
U.S. Postal Service.

The representatives of the U.S. Post-
al Service shall have access to all con-
ference data and, insofar as prac-
ticable, shall be furnished copies of all
pertinent data prepared by the DOT
employees and the air carrier, and a
reasonable time shall be allowed to re-
view the facts and issues and to make
any presentation deemed necessary:
Provided, That in cases other than
those involving an issue as to the ser-
vice mail rates payable by the U.S.
Postal Service pursuant to section
41901 of the Statute, representatives of
the U.S. Postal Service shall be fur-
ished with copies of data under this
provision only upon their written re-
quest.

§ 302.715 Post-conference procedure.

No briefs, argument, or any formal
steps will be entertained by the DOT
decisionmaker after the rate con-
ferences. The form, content and time of
the staff’s presentation to the DOT de-
cisionmaker are entirely matters of in-
ternal procedure. Any party to the
mail rate proceeding may, through an
authorized DOT employee, request the
opportunity to submit a written or oral
statement to the DOT decisionmaker
on any unresolved issue. The DOT deci-
sionmaker will grant such requests
whenever he or she deems such action
desirable in the interest of further clar-
ification and understanding of the
issues. The granting of an opportunity
for such further presentation shall not,
however, impair the rights that any
party might otherwise have under the
Statute and this part.

§ 302.716 Effect of conference agree-
ments.

No agreements or understandings
reached in rate conferences as to facts
or issues shall in any respect be bind-
ing on the Department or any partici-
pant. Any party to mail rate pro-
cedings will have the same rights to
file an answer and take other proce-
dural steps as though no rate con-
ference had been held. The fact, how-
ever, that a rate conference was held