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October 13, 2023

The Honorable Peter Buttigieg
Secretary of Transportation
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

The Honorable Polly Trottenberg
Administrator (Acting)
Federal Aviation Administration
800 Independence Avenue, SW
Washington, DC 20591

Re: Comments of JetBlue Airways Corp.; Docket FAA-2023-1857

Dear Secretary Buttigieg and Acting Administrator Trottenberg:

JetBlue Airways Corp. ("JetBlue") is pleased to provide these comments in response to the FAA's notice of intent to amend the definitions of scheduled, on-demand and supplemental operations under 14 C.F.R. Part 110 (the "NOI"). 88 Fed. Reg. 59,480 (Aug. 29, 2023).¹ JetBlue has a unique interest in this proceeding because we own a stake in JetSuiteX, Inc., which, together with its subsidiary Delux Public Charter LLC d/b/a JSX Air (collectively "JSX"), provides public charters authorized under Part 380 using aircraft operated under Part 135.

JetBlue proudly partners with JSX to sell seats on JSX's public charter flights. We strategically invested in JSX because we recognized then, as we do now, that the U.S. aviation landscape is ripe for a disruptive operator like JSX with a unique business model that is expressly permitted by and compliant with the applicable regulations, and appeals to a variety of consumers. JetBlue would not have invested in and partnered with JSX if we doubted JSX's ability to conduct its public charter flights with the highest degree of safety and in full compliance with all FAA regulations. In fact, many of JSX's safety programs and practices exceed applicable FAA requirements. JSX has passed every safety audit (based on the same audits that Part 121 airlines undergo). When a consumer purchases a JSX flight via a JetBlue channel, we go to great lengths to provide disclosures as to the type and nature of JSX's operation. There is no confusing JSX with a standard airline – they operate

¹ JetBlue also incorporates by reference its earlier submission to DOT. *See* Docket DOT-OST-2022-0071-0072.

from a different part of the airport, or an altogether different airport, with a unique lounge and in a totally unique aircraft.

If the FAA/DOT move forward with the amendments to Part 110 suggested in the NOI, JSX's business model would be destroyed, which in turn would harm JetBlue and its customers, as well as U.S. consumers generally and service at the smaller airports and communities where JSX currently operates. This includes a number of airports where JSX is the only regular provider of air service.² Instead of pursuing regulatory changes that could put JSX out of business, the FAA/DOT should advocate for JSX as a safety leader among Part 135 carriers and an innovator that generates new competition and travel options for U.S. consumers, all while providing a type of service expressly permitted under the applicable regulations.

JetBlue urges the FAA/DOT not to be distracted or swayed by pressure from self-interested parties, including those who view JSX as a competitive threat, into revising the long-established regulatory framework that supports the public charter sector, including the ability of safe and reliable Part 135 operators such as JSX to participate in that sector. The dangers of taking ill-advised and unsupported regulatory action are all the more heightened at a time when small and mid-size communities around the country are struggling with a lack of air service.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert C. Land". The signature is fluid and cursive, with the first name "Robert" and last name "Land" clearly distinguishable.

Robert C. Land
Senior Vice President, Government Affairs and
Associate General Counsel

² Examples include CCR (Buchanan Field Airport in Concord, CA), BJC (Rocky Mountain Metropolitan Airport in Broomfield, CO), OPF (Miami-Opa Locka Executive Airport, FL), CLD (McClellan-Palomar Airport in Carlsbad, CA) and TSM (Taos Regional Airport, NM). Some of these offer competitive alternatives to legacy carriers at nearby airports.