

ASTAR Files In Opposition to Order of Chief Administrative Law Judge; Urges DOT Intervention

[In papers filed today](#) with the Department of Transportation (DOT), ASTAR Air Cargo urged the DOT to step in and "expressly direct the Chief Administrative Law Judge (CALJ)" to comply with the agency's July 30th order and direct the CALJ to conduct an open hearing in which the public and media are given full access.

On July 30, the DOT stated that "the scope of this proceeding, including discovery, and the relevance of facts involved therein, is to be limited to the current citizenship of ASTAR as it now exists." According to ASTAR, the recent Order of the CALJ "ignores the Department's clear directive that issues relating to 'Old Airways' citizenship are not to be considered in this docket."

In its submission, ASTAR strongly objected to a ruling issued at the close of business last Friday that no party had requested or supports - namely that the entire hearing be closed to the public.

The United States Constitution guarantees ASTAR an open hearing on the flimsy allegations being made by the airline's chief competitors, Federal Express Corporation and United Parcel Service. ASTAR is insisting on an open hearing to make sure the public is fully aware of:

- The ruthless and unprincipled tactics its chief competitors are deploying in an unethical attempt to manipulate the legal process and to drive ASTAR Air Cargo out of business, thus damaging competition and protecting their cozy duopoly.
- The manner in which this proceeding is being conducted.
- The demeanor and credibility of ASTAR's witnesses, including its new owners, all of whom personally will appear at the hearing and testify, under oath, that ASTAR is American-owned, managed and controlled.

ASTAR is adamantly opposed to a "secret hearing" process. There are well-established procedures and laws that can be harmonized with a fair and open trial, and still adequately address ASTAR's right to protect from public disclosure its most sensitive commercial agreements.

ASTAR is seeking no more than to invoke established DOT and Courtroom procedures designed to prevent the disclosure of sensitive information when such disclosure would injure ASTAR's competitive position. Such procedures do not mean that the DOT can, or should conduct a secret hearing.

[A complete copy of ASTAR's regulatory filing is attached.](#) For additional background information regarding ASTAR Air Cargo or this regulatory proceeding, please contact Matt Triaca at 202-530-4690 or Tracy Clayton at 202-530-4739.