Airline Flight Information Has Been Public Since 1929

https://Archive.Org/Details/Officialaviatio1
Courtesy Smithsonian Institution, Public Domain
Consumers Need Choices

- **Consumers Benefit** From Reliable Flight, Fare, And Fee Info From a # Of Independent Sources.

- **Consumers Are Harmed** When Anticompetitive Restrictions Or Other Distortions Are Imposed On Access To That Information, By The Airlines, Or Others.

Ed Mierzwinski, 29 June 2022, DOT airline competition presentation
Airline Flight Information Makes Markets Work

• Flight Schedule, Fare, And Full Fee Information Is Basic Market Information On Which Consumers Base Their Purchasing Decisions.

• Airlines Now Finding Some Commercial Advantage In Restricting Access To This Information Does Not Make That Information Proprietary.
The Customer Journey: Why Airlines Want Full Fee Info Hidden (1 of 2):

• To Prevent Consumers From Shopping For Better Deals On Public Sites By Trapping Them On Airline Sites Where The Airlines Control The Customer “Journey”

• In today’s digital marketing, the customer journey involves an inquiry, a comparison and a purchase decision.

• If an airline controls the entire journey on its own site, consumers do not see any choices from competitors, only learn what the airline wants them to know, and are confined to the choices and prices (and all the ancillary fees) the airline wants them to see. And adtech surveillance allows unfair outcomes.

Ed Mierzwinski, 29 June 2022, DOT airline competition presentation
Why Airlines Want Full Info Hidden (2 of 2):

- To Collect All The Ancillary Revenue That They Can/Use Drip Pricing/Etc.
- FTC: “Drip pricing is a pricing technique in which firms advertise only part of a product’s price and reveal other charges later as the customer goes through the buying process.”
- Drip pricing is very effective after the transaction has already started and the consumer is trapped.

Dripping Tap by Fred Dawson LRPS via Flickr. Some rights reserved.
DOT Clearly Has Authority To Police The Airline Flight Information System: A Few Examples

- 49 U.S.C. 41712 authorizes the Secretary to order an air carrier or ticket agent to stop an unfair or deceptive practice or unfair method of competition.
- DOT approved Airline Passenger Protections of 2009 and 2011
- DOT’s authority to regulate the practices of air carriers, ticket agents, and other entities involved in the aviation industry is “wide-ranging.” (Joel Silversmith, “DOT Enforcement of its Prohibitions on Unfair and Deceptive Practices, 2015 (February 2016))
- DOT Fines American Airlines for Violating Price Advertising Rule
- DOT Enters Consent Order with ticket agent FlightHub over a variety of violations and misrepresentations (February 2022).

Ed Mierzwinski, 29 June 2022, DOT airline competition presentation
FACT SHEET: The top four commercial airlines control nearly two-thirds of the domestic market. Reduced competition contributes to increasing fees like baggage and cancellation fees. These fees are often raised in lockstep, demonstrating a lack of meaningful competitive pressure, and are often hidden from consumers at the point of purchase. The top ten airlines collected $35.2 billion in ancillary fees in 2018, up from just $1.2 billion in 2007. Inadequate competition also reduces incentives to provide good service. For example, the Department of Transportation (DOT) estimates that airlines were late delivering at least 2.3 million checked bags in 2019.
President Biden’s Executive Order Urges DOT To Protect Consumers By Increasing Competition

• Help Consumers Find More Choices Of Available Flights
• Including By New Or Lesser-known Competitor Airlines
• Help Consumers Obtain Better Ancillary Fee Info, Including By Sharing Information Between Airlines And Ticket Agents

Photo of President Joe Biden, U.S. Government Work via Flickr

Ed Mierzwinski, 29 June 2022, DOT airline competition presentation
• Thank you, I’m Ed Mierzwinski, U.S. PIRG senior director for federal consumer programs. My phone is 202-461-3821. My email is edm@pirg.org. I tweet at @edmpirg.

• U.S. PIRG is an advocate for the public interest. We speak out for a healthier, safer world in which we’re freer to pursue our own individual well-being and the common good.

• The problems we address aren’t progressive or conservative — they’re just problems that our country shouldn’t tolerate in an age of great abundance and technological progress.