

BEFORE THE DEPARTMENT OF TRANSPORTATION
OFFICE OF AVIATION ENFORCEMENT AND PROCEEDINGS
WASHINGTON, D.C.

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)	
Benjamin Edelman and Jason Steele,)	
third-party complainants)	
)	
v.)	Docket DOT-OST-2015-_____
)	
Delta Airlines)	
)	
-----)	

COMPLAINT OF BENJAMIN EDELMAN AND JASON STEELE

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Dated: January 6, 2015

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1. This complaint arises out of Delta Air Lines mischaracterizing fees as “tax” and thereby failing to comply with applicable DOT requirements.
2. On January 2, 2015, Steele noticed that the Delta web site appeared to be making false statements of “tax” beyond the amounts actually provided by law.
3. On January 5, 2015, Edelman used the Delta web site, Delta.com, to quote round-trip award coach travel from CDG to/from JFK. He found that the Delta site misrepresented carrier-imposed surcharge as “tax.”
4. Specifically, Delta provided the fare quote shown in Attachment 1. Delta quoted a “tax” of €388.33 on the outbound segment CDG-JFK. This “tax” was shown for itineraries entirely operated by DL (e.g. the nonstop DL 100, the seventh option listed in Attachment 1) as well as itineraries entirely operated by partners (e.g. AF 22, the first option listed in Attachment 1) and multicarrier itineraries (e.g. AF 84 connecting to DL

2040, the fifth option listed). When I reviewed options for the return segment JFK-CDG, Delta quoted an adjusted total “tax” of €383.72, again applying to itineraries operated by Delta, partners, and a combination.

5. On information and belief, there is no “tax” of €383, €388, or a similar amount on this route. On the itinerary confirmation screen (Attachment 2), I clicked the link to “View detailed Charges” (s.i.c.), yielding the screen in Attachment 3. There, Delta admits that €282 of the “tax” is in fact “Carrier-imposed International Surcharge*.”¹ We thus conclude that Delta overstated the amount of “tax” by €282 per passenger on this route.

6. Delta’s statement of “tax” is literally false.

7. It is unfair and deceptive to characterize a charge as “tax” when it is set by a carrier of its own volition and need not be remitted to any government, airport, or similar authority. Such false statements provide consumers with inaccurate information as to the actual cost of their travel.

8. Delta may argue that its itinerary confirmation page (Attachment 2) in some way cures the false statement of “tax” in the prior quotes (Attachment 1). Attachment 2 does use the accurate label “Taxes, Fees & Charges” label to describe the €383.72 amount. But this label is consistent with the claim, which Delta made in the Attachment 1 screenshots, that in fact the entire €383.72 is all “tax” and none of it is carrier-imposed charge. Nothing in the Attachment 2 screenshot alerts a customer that every fare quote in Attachment 1 was in fact false as to the supposed “tax.”

¹ Although Delta includes an asterisk at the end of that label, Delta offers no footnote or other statement to elaborate on the label. The “Learn more about Taxes/Fees” link goes to https://www.delta.com/content/www/en_US/traveling-with-us/planning-a-trip/booking-information/fare-classes-and-tickets/taxes-and-fees.html which offers some relevant information but provides information about the entire “detailed charge” breakdown, not the carrier-imposed surcharge specifically.

9. Nor does the “View detailed Charges” screen cure the false statements shown in Attachment 1. The Detailed Charges screen is only shown to users who elect to click it, not as a default part of the transaction.

10. In some instances, Delta’s fare quotes draw a distinction between paying with “miles” and with “miles + cash.” In those fare quotes, the false statement of “tax” is particularly prominent and particularly likely to skew consumers’ purchase decisions. See Attachment 4 (with first option presenting an itinerary on Air France with supposed “tax” of US\$309.56). Clicking through, I was then presented with an adjusted “tax” of \$522.56 (Attachment 5). In the Detailed Charges screen, I was able to determine that \$380.30 of the \$522.56 was in fact carrier-imposed charge, not a “tax.”

11. The misstatements at issue occur on the ordinary Delta web site, Delta.com. A US customer reasonably begins at Delta.com, with site localization set to US English (denoted with a US flag and the label “ENGLISH”). Indeed, the site is then provided in English; sales can be made to persons with addresses and phone numbers within the US; and US members of Delta’s frequent flier program find their membership details (including US phone number and US street address) automatically filled into the reservation form. We credit that the false “tax” is sometimes quoted in euros (as in Attachments 1-3) or other foreign currency, though not always (Attachments 4-6). In any event, Delta satisfies the majority of the conditions specified in *Answers to Frequently Asked Questions Concerning the Enforcement of the Second Final Rule on Enhancing Airline Passenger Protections*, Section IX, Question 1. Moreover, the Delta.com site at issue, in the way we used it, is the only way a US-based Delta customer can use the Internet to redeem Delta frequent flier miles for award travel. Put differently, the

screenshots we present show *the* Delta site; there is no sense in which we went to any special “Europe site” or “international site.” Finally, on information and belief, nothing in any other country’s law or regulation allows or encourages Delta to make false statements of nonexistent “tax.” It is thus entirely appropriate to apply the Department’s rules on truthful advertising, including accurate statement of “tax,” to these Delta fare quotes, even for travel originating outside the US.

12. In further testing, Edelman found similar misstatements in other Delta fare quotes, including for travel to and from other origins and destinations and on other dates. On information and belief, many or all of Delta’s intercontinental award tickets from outside the US to the US entail a statement of “tax” that is actually a fee.

13. The misstatements at issue are large relative to applicable fares. For example, when Edelman quoted award travel MUC-JFK-MUC on January 6, Delta.com reported “tax” of €429.21, (Attachments 7-8) of which €308.00 was actually “carrier-imposed international surcharge” (Attachment 9). An ordinary paid ticket, on the same flights on the same day, costs €489.92 (Attachment 10). Thus, the nonexistent “tax” is 62.9% of the cost of an ordinary paid ticket on that route, significantly overstating applicable tax and significantly overstating the supposed savings a consumer enjoys by redeeming frequent flier points. Indeed, in this case, a passenger redeeming Delta miles uses 95,000 miles to achieve a cash savings of only €60.71, a value of just €0.000639 per mile (six one hundredths of a euro cent per Delta mile redeemed). Passengers would be unlikely to accept such a poor redemption value were it not for Delta overstating the supposed “tax” to inflate the supposed redemption value.

14. Delta’s deceptive conduct is compounded by the statements it makes during paid bookings, which necessarily precede redemption bookings (since passengers must earn miles before they redeem). Consider a passenger who makes a series of paid bookings, at each booking seeing a screen like Attachment 10, quoting “taxes, fees and charges” of €124.92 per person, round-trip, for that itinerary. Such a passenger reasonably expects to be able to redeem Delta miles (in an amount specified by the award chart) along with approximately €124 of money, in order to fly the same route on an award redemption. Instead, when that passenger attempts to redeem miles, Delta adds a “carrier-imposed surcharge” (mischaracterized as “tax”) of €308 on the redemption, even as Delta’s own prior statements (e.g. Attachment 10) specifically indicated that no such surcharge applies. We see no proper pro-competitive purpose for this tactic. On the other hand, there is a clear harmful effect: Causing consumers to expect modest “taxes, fees, and charges” (based on their experience with the Attachment 10 fare quote from their paid travel) to induce them to fly on Delta and partners in Delta’s mileage program, and then surprising them with high surcharges when they actually try to redeem miles.

15. We ask that the Department of Transportation:

- (1) Exercise its authority under 49 USC 41712 to open an investigation of Delta for having engaged in, and continuing to engage in, the unfair and deceptive practices described above;
- (2) Pursuant to such investigation, order Delta to refund to ticket purchasers all monies represented to ticket purchasers as “tax” or government-imposed fees, but not actually remitted to governments;
- (3) Impose appropriate civil penalties on Delta; and

- (4) Refer this matter to appropriate US and foreign tax collection agencies for investigation of possible tax fraud or other violations of tax law in non-payment to governments of monies collected as “taxes” or government-imposed fees.

Pursuant to Title 18 United States Code Section 1001, we certify that we have not in any manner knowingly and willfully falsified, concealed or failed to disclose any material fact or made any false, fictitious, or fraudulent statement or knowingly used any documents which contain such statements in connection with the preparation, filing or prosecution of the pleading. We understand that an individual who is found to have violated the provisions of 18 U.S.C. section 1001 shall be fined or imprisoned not more than five years, or both.

Respectfully submitted,

/s/

Benjamin Edelman

/s/

Jason Steele

Attachment 1

The screenshot displays the Delta Air Lines website's flight search interface. The top navigation bar includes links for HOME, NEED HELP?, COMMENT/COMPLAINT?, and LOG OUT. Below this, the 'BOOK A TRIP' section is visible, along with a search bar and a shopping cart icon. The main content area shows search results for a flight from CDG to JFK on Sunday, February 08, 2015, for 1 passenger. The results are categorized by 'ECONOMY' and 'FIRST/BUSINESS' fares. The 'ECONOMY' section lists two nonstop flights: AF 22 (8:35 AM to 11:15 AM, 8h 40m) and AF 6 (1:55 PM to 4:20 PM, 8h 25m). Both flights are priced at 60,000 + €388.33 Taxes. The 'FIRST/BUSINESS' section shows 'NOT AVAILABLE' for both flights. A sidebar on the left allows for modifying the search, including filters for dates, passengers, and connection airports. The bottom section of the screenshot shows additional flight options, including a one-stop flight (AF 84, DL 2040) from CDG to SFO to JFK, priced at 60,000 + €388.33 Taxes.

DELTA

HOME | NEED HELP? | COMMENT/COMPLAINT? | LOG OUT

SHOP | TRAVELING WITH US | SKYMILES | Search | (0)

BOOK A TRIP

Start Over | Flights | Passengers | Payment

MODIFY SEARCH

FROM TO
CDG JFK

DATES
02/08/2015
02/15/2015

PASSENGERS
1 SEARCH

Advanced Search
Flexible Dates

NARROW RESULTS
RESET ALL

STOPS
☒ NONSTOP
☒ 1 STOP

CONNECTION AIRPORTS

Sunday, February 08, 2015 | 1 Passenger

Outbound : CDG ▶ JFK

Paris-De Gaulle, France (CDG) to New York-Kennedy, NY (JFK)

SHOW PRICE IN **EUR** Miles

Total price is per passenger and includes taxes and fees. Additional **baggage** fees may apply. 1 - 20 of 27 flight results: < 1 | 2 > [Show All](#)

VIEW FARE COMPARISON CHART

ECONOMY
Seat selection at purchase. Full Medallion® benefits. Free entertainment.

FIRST/BUSINESS
Additional space. First on, first off. Upgraded food and beverages.

AF 22
8:35 AM ▶ 11:15 AM 8h 40m
CDG ▶ JFK NONSTOP
Economy (X) from 60,000 + €388.33 Taxes
SELECT

AF 6
1:55 PM ▶ 4:20 PM 8h 25m
CDG ▶ JFK NONSTOP
Economy (X) from 60,000 + €388.33 Taxes
SELECT

AF 10
4:35 PM ▶ 7:05 PM 8h 30m
CDG ▶ JFK NONSTOP
Economy (X) from 60,000 + €388.33 Taxes
SELECT

AF 8
7:10 PM ▶ 9:30 PM 8h 20m
CDG ▶ JFK NONSTOP
Economy (X) from 60,000 + €388.33 Taxes
SELECT

AF 84, DL 2040
10:30 AM ▶ 12:16 AM 19h 46m
CDG ▶ SFO ▶ JFK 1 STOP
3h 5m
Economy (X,N) from 60,000 + €388.33 Taxes
SELECT

CONNECTION TIME
MIN 1 hour
MAX 10 hours

TOTAL PRICE
<210000

IN-FLIGHT AMENITIES

Benjamin Edelman and Jason Steele Complaint – Delta Air Lines

<ul style="list-style-type: none"> Economy Comfort Seating Flat-Bed Seat Wi-Fi Overhead Entertainment Live Satellite TV Personal Entertainment 110V AC Power USB Power Sky Priority SP <p>In-Flight services and amenities may vary and are subject to change</p>	<p>AF 682, DL 1419</p> <p>11:05 AM → 8:06 PM 15h 1m</p> <p>CDG ATL JFK 2h 50m 1 STOP</p> <p>Details View Seats</p>	<p>Economy (X,N) from</p> <p>60,000</p> <p>+ €388.33 Taxes</p> <p>SELECT</p>	<p>NOT AVAILABLE</p>
	<p>DL 100</p> <p>10:40 AM → 1:11 PM 8h 31m</p> <p>CDG JFK NONSTOP</p> <p>Details View Seats</p>	<p>Economy (ND) from</p> <p>77,500</p> <p>+ €388.33 Taxes</p> <p>SELECT</p>	<p>Business (OS) from</p> <p>187,500</p> <p>+ €474.28 Taxes</p> <p>SELECT</p>
	<p>AF 66, DL 2362</p> <p>10:30 AM → 12:16 AM 19h 46m</p> <p>CDG LAX JFK 2h 50m 1 STOP</p> <p>Details View Seats</p>	<p>Economy (X,NL) from</p> <p>77,500</p> <p>+ €388.33 Taxes</p> <p>SELECT</p>	<p>NOT AVAILABLE</p>

<p>DELTA</p> <p>BOOK A TRIP</p> <p>MODIFY SEARCH</p> <p>FROM: CDG TO: JFK</p> <p>DATES: 02/08/2015 02/15/2015</p> <p>PASSENGERS: 1</p> <p>SEARCH</p> <p>Advanced Search Flexible Dates</p> <p>NARROW RESULTS RESET ALL</p> <p>STOPS: <input checked="" type="checkbox"/> NONSTOP <input checked="" type="checkbox"/> 1 STOP</p> <p>CONNECTION AIRPORTS</p>			
<p>FLIGHTS</p> <p>SUN 08 FEB</p> <p>CDG → JFK</p> <p>10:40 AM 1:11 PM</p> <p>OUTBOUND DL 100 8h 31m NONSTOP</p> <p>Economy (ND)</p> <p>View Seats</p> <p>Details</p>			
<p>Sunday, February 15, 2015 1 Passenger</p> <p>Return : JFK → CDG</p> <p>New York-Kennedy, NY (JFK) to Paris-De Gaulle, France (CDG)</p> <p>Total price is per passenger and includes taxes and fees. Additional baggage fees may apply. 1 - 20 of 44 flight results: < 1 2 3 ≥ Show All</p>			
<p>SORT BY: Best Match</p> <p>VIEW FARE COMPARISON CHART</p>		<p>ECONOMY</p> <p>Seat selection at purchase. Full Medallion® benefits. Free entertainment.</p>	<p>FIRST/BUSINESS</p> <p>Additional space. First on, first off. Upgraded food and beverages.</p>
<p>DL 400</p> <p>7:25 PM → 8:50 AM 7h 25m</p> <p>JFK CDG NONSTOP</p> <p>Details View Seats</p>		<p>Economy (ND)</p> <p>95,000</p> <p>+ €383.72 Taxes</p> <p>SELECT</p>	<p>Business (OS)</p> <p>250,000</p> <p>+ €424.28 Taxes</p> <p>SELECT</p>

Attachment 2

YOU SELECTED THESE FLIGHTS:

OUTBOUND Sun, 08 Feb 2015 10:40AM CDG to 1:11PM JFK Nonstop DL 100								Show Details
10:40AM	CDG	1:11PM	JFK	Nonstop	8 hr 31 min	DL 100	Economy (ND)	Select Seats
Complete Delta Air Lines Baggage Information								
RETURN Sun, 15 Feb 2015 7:25PM JFK to Mon 16 Feb 8:50AM CDG Nonstop DL 400								Show Details
7:25PM	JFK	8:50AM	CDG	Nonstop	7 hr 25 min	DL 400	Economy (ND)	Select Seats
Complete Delta Air Lines Baggage Information								

In-Flight services and amenities may vary and are subject to change.
👉 New passport and visa requirements may exist for your itinerary.

COST DETAILS

PASSENGER	MILES REQUIRED	TAXES, FEES & CHARGES	SUBTOTAL
Ben Edelman	95,000 Miles	€383.72 (EUR)	95,000 Miles + 383.72 (EUR)

Award Tickets cannot be redeposited or changed within 72 hours of scheduled flight departure time.

TOTAL FOR ALL PASSENGER(1): 95,000 Miles+€383.72 (EUR)

[View change and cancellation policies](#)
[View fare rules](#) | [View detailed Charges](#)

Attachment 3

DETAILED CHARGES X

Air Transportation Charges	
Base Fare*	€0.00
Carrier-imposed International Surcharge*	282.00
Taxes, Fees and Charges	
U.S. Animal and Plant Health Inspection Service Fee	€4.12
U.S. Immigration and Naturalization Fee	€5.76
U.S. Custom User Fee	€4.53
France Civil Aviation Tax	€20.60
Total Per Passenger	€ 383.72 EUR

[Learn more about Taxes/Fees >](#)

Attachment 4

BOOK A TRIP

MODIFY SEARCH

FROM

TO

TLV

LAX

DATES

02/08/2015

02/16/2015

PASSENGERS

1

SEARCH

Advanced Search

Flexible Dates

NARROW RESULTS

RESET ALL

STOPS

☒ 1 STOP

☒ MULTI-STOP

CONNECTION AIRPORTS

☒ Amsterdam, Netherlands (AMS)

☒ Atlanta, GA (ATL)

CONNECTION TIME

MIN

1 hour

MAX

14 hours

TOTAL PRICE

<310000

Sunday, February 08, 2015 | 1 Passenger

Outbound : TLV → LAX

Tel Aviv, Israel (TLV) to Los Angeles, CA (LAX)

SHOW PRICE IN

\$ USD Miles

Total price is per passenger and includes taxes and fees. Additional **baggage** fees may apply.

1 - 20 of 60 flight results: < 1 | 2 | 3 > [Show All](#)

SORT BY

Best Match

VIEW FARE COMPARISON CHART

		ECONOMY		FIRST/BUSINESS	
		Seat selection at purchase. Full Medallion® benefits. Free entertainment.		Additional space. First on, first off. Upgraded food and beverages.	
		MILES	MILES + CASH	MILES	MILES + CASH
<div>AF 1121, AF 66</div> <div>1:00 AM → 1:10 PM</div> <div>22h 10m</div> <div>TLV → CDG → LAX</div> <div>5h 30m</div> <div>1 STOP</div>		<div>Economy (X) from</div> <div>80,000</div> <div>+ \$309.56 Taxes</div> <div>SELECT</div>	NOT AVAILABLE	NOT AVAILABLE	NOT AVAILABLE
<div>AF 1621, AF 66</div> <div>5:40 PM → 1:10 PM</div> <div>29h 30m</div> <div>TLV → CDG → LAX</div> <div>12h 50m</div> <div>1 STOP</div>		<div>Economy (X) from</div> <div>80,000</div> <div>+ \$325.46 Taxes</div> <div>SELECT</div>	NOT AVAILABLE	NOT AVAILABLE	NOT AVAILABLE
<div>DL 46, DL 424</div> <div>11:45 PM → 10:40 AM</div> <div>20h 55m</div> <div>TLV → JFK → LAX</div> <div>1h 56m</div> <div>1 STOP</div>		<div>Economy (ND) from</div> <div>102,500</div> <div>+ \$55.06 Taxes</div> <div>SELECT</div>	<div>Economy (ND) from</div> <div>87,500</div> <div>+ \$334.06</div> <div>SELECT</div>	<div>Business (OK) from</div> <div>277,500</div> <div>+ \$78.36 Taxes</div> <div>SELECT</div>	NOT AVAILABLE
<div>DL 46, DL 472</div> <div>11:45 PM → 11:55 AM</div> <div>22h 10m</div> <div>TLV → JFK → LAX</div> <div>3h 11m</div> <div>1 STOP</div>		<div>Economy (ND) from</div> <div>102,500</div> <div>+ \$55.06 Taxes</div> <div>SELECT</div>	<div>Economy (ND) from</div> <div>87,500</div> <div>+ \$334.06</div> <div>SELECT</div>	<div>Business (OK) from</div> <div>277,500</div> <div>+ \$78.36 Taxes</div> <div>SELECT</div>	NOT AVAILABLE

Attachment 5

The screenshot shows the Delta Air Lines website interface. On the left is a sidebar with search filters: 'MODIFY SEARCH', 'FROM' (TLV) and 'TO' (LAX), 'DATES' (02/08/2015 to 02/16/2015), 'PASSENGERS' (1), and 'NARROW RESULTS' (1 STOP, MULTI-STOP). The main content area displays flight details for a round trip. The outbound flight is TLV to LAX on Sunday, February 8, 2015, at 1:00 AM, operated by AF 1121 and AF 66, with a duration of 22h 10m and 1 stop. The return flight is LAX to TLV on Monday, February 16, 2015, at 1:50 PM, operated by KL 602 and KL 461, with a duration of 26h 30m and 1 stop. The total price is \$80,000 plus \$522.56 in taxes. A 'SELECT' button is visible at the bottom right of the flight details.

MODIFY SEARCH

FROM TLV **TO** LAX

DATES
02/08/2015
02/16/2015

PASSENGERS
1

SEARCH

Advanced Search
Flexible Dates

NARROW RESULTS
RESET ALL

STOPS
☒ 1 STOP
☒ MULTI-STOP

CONNECTION AIRPORTS
☒ Amsterdam

FLIGHTS

SUN 08 FEB

TLV **LAX**

OUTBOUND **AF 1121** **AF 66** Economy (X)
22h 10m | 1 STOP
[View Seats](#)

Details

Monday, February 16, 2015 | 1 Passenger

Return : LAX **TLV**

Los Angeles, CA (LAX) to Tel Aviv, Israel (TLV)

Total price is per passenger and includes taxes and fees. Additional [baggage](#) fees may apply. 1 - 20 of 43 flight results: < 1 | 2 | 3 > [Show All](#)

Sort By
Best Match

VIEW FARE COMPARISON CHART

ECONOMY
Seat selection at purchase. Full Medallion® benefits. Free entertainment.

KL 602, KL 461

1:50 PM **2:20 AM** 26h 30m
WED 18 FEB

LAX **AMS** **TLV** 1 STOP
11h 45m

80,000
+ \$522.56 Taxes

SELECT

Details **View Seats**

Attachment 6

DETAILED CHARGES	
Air Transportation Charges	
Base Fare*	\$0.00
Carrier-imposed International Surcharge*	380.30
Taxes, Fees and Charges	
U.S. Animal and Plant Health Inspection Service Fee	\$5.00
U.S. Immigration and Naturalization Fee	\$7.00
U.S. Custom User Fee	\$5.50
France Civil Aviation Tax	\$19.40
Total Per Passenger	\$ 522.56 USD
Learn more about Taxes/Fees >	

Attachment 7

Delta - Book a flight

https://www.delta.com/air-shopping/findFlights.action?action=reviseSearch

Outbound : MUC - JFK
Munich, Germany (MUC) to New York-Kennedy, NY (JFK)

13 of 13 flight results

Sort by: Best Match

VIEW FARE COMPARISON CHART

	ECONOMY	FIRST/BUSINESS
KL 1790, KL 643 7:00 AM - 7:35 PM 18h 35m MUC AMS JFK 1 STOP 8h 30m	Economy (X) from 60,000 + €429.20 Taxes SELECT	NOT AVAILABLE
AF 1123, AF 6 7:15 AM - 4:20 PM 15h 5m MUC CDG JFK 1 STOP 5h	Economy (X) from 60,000 + €434.67 Taxes SELECT	Business (O) from 125,000 + €511.61 Taxes SELECT
AF 1123, AF 10 7:15 AM - 7:05 PM 17h 50m MUC CDG JFK 1 STOP 7h 40m	Economy (X) from 60,000 + €434.67 Taxes SELECT	Business (O) from 125,000 + €511.61 Taxes SELECT
AF 1423, AF 6 9:45 AM - 4:20 PM 12h 35m MUC CDG JFK 1 STOP 2h 30m	Economy (X) from 60,000 + €434.67 Taxes SELECT	Business (O) from 125,000 + €511.61 Taxes SELECT
AF 1423, AF 10 9:45 AM - 7:05 PM 15h 20m MUC CDG JFK 1 STOP 5h 10m	Economy (X) from 60,000 + €434.67 Taxes SELECT	Business (O) from 125,000 + €511.61 Taxes SELECT
KL 1792, KL 643 9:50 AM - 7:35 PM 15h 45m MUC AMS JFK 1 STOP 5h 40m Operated by: KLM Cityhopper	Economy (X) from 60,000 + €429.20 Taxes SELECT	NOT AVAILABLE
KL 1794, KL 643 11:50 AM - 7:35 PM 13h 45m MUC AMS JFK 1 STOP 3h 50m	Economy (X) from 60,000 + €429.20 Taxes SELECT	NOT AVAILABLE
AF 1823, AF 22 6:20 PM - 11:15 AM 22h 55m WED 11 FEB MUC CDG JFK 1 STOP 12h 35m	Economy (X) from 60,000 + €447.76 Taxes SELECT	Business (O) from 125,000 + €524.70 Taxes SELECT
AF 1023, AF 22 8:35 PM - 11:15 AM 20h 40m WED 11 FEB MUC CDG JFK 1 STOP 10h 20m	Economy (X) from 60,000 + €434.67 Taxes SELECT	Business (O) from 125,000 + €511.61 Taxes SELECT
DL 131, DL 1419 9:45 AM - 8:06 PM 16h 21m MUC ATL JFK 1 STOP 3h 10m	Economy (ND) from 77,500 + €428.62 Taxes SELECT	Multiple Cabins from 187,500 + €495.76 Taxes SELECT

MODIFY SEARCH

FROM: MUC TO: JFK

DATES: 02/10/2015 - 02/17/2015

PASSENGERS: 1 SEARCH

Advanced Search Flexible Dates

NARROW RESULTS RESET ALL

STOPS: ☒ 1 STOP ☐ MULTI-STOP

CONNECTION AIRPORTS: ☒ Amsterdam, Netherlands (AMS) ☒ Atlanta, GA (ATL) ☒ Paris-De Gaulle, France (CDG) ☒ Detroit, MI (DTW) ☒ London-Heathrow, United Kingdom (LHR)

CONNECTION TIME: MIN: 2 hours MAX: 13 hours

TOTAL PRICE: €220000

IN-FLIGHT AMENITIES: ☐ Economy ☐ Comfort ☐ Seating ☐ Flat-Bed Seat ☐ Wi-Fi ☐ Overhead Entertainment ☐ Personal Entertainment ☐ 110V AC Power ☐ USB Power ☐ Sky Priority SP

In-flight services and amenities may vary and are subject to change

MY DELTA | SIGN UP 220122316R MY TRIPS BOOK A TRIP FLIGHT STATUS CHECK IN VACATIONS NEED HELP?

Attachment 8

Delta - Book a flight

https://www.delta.com/air-shopping/findFlights.action?action=reviseSearch

MODIFY SEARCH

FROM: MUC TO: JFK

DATES: 02/10/2015

PASSENGERS: 1

SEARCH

Advanced Search
Flexible Dates

NARROW RESULTS
RESET ALL

STOPS:
☒ 1 STOP
☒ MULTI-STOP

CONNECTION AIRPORTS:
☒ Amsterdam, Netherlands (AMS)
☒ Atlanta, GA (ATL)
☒ Boston, MA (BOS)
☒ Paris-De Gaulle, France (CDG)
☒ Washington-Reagan National, DC (DCA)
☒ Detroit, MI (DTW)
☒ Rome, Italy (FCO)
☒ Washington-Dulles, DC (IAD)
☒ London-Heathrow, United Kingdom (LHR)
☒ Minneapolis/St. Paul, MN (MSP)

CONNECTION TIME:
MIN: 1 hour
MAX: 13 hours

TOTAL PRICE: ~\$8000

IN-FLIGHT AMENITIES:
☒ Economy Comfort Seating
☒ Flat-Bed Seat
☒ Wi-Fi
☒ Overhead Entertainment
☒ Live Satellite TV
☒ Personal Entertainment
☒ 110V AC Power
☒ USB Power
☒ Sleeper Seat
☒ Sky Priority SP

In-Flight services and amenities may vary and are subject to change.

FLIGHTS

TUE 10 FEB

MUC → JFK

OUTBOUND

DL 131, DL 1750
9:45 AM 10:50 PM
19h 5m | 1 STOP

Economy (ND)

View Seats

Details

Tuesday, February 17, 2015 | 1 Passenger

Return: JFK → MUC

New York-Kennedy, NY (JFK) to Munich, Germany (MUC)

Total price is per passenger and includes taxes and fees. Additional baggage fees may apply. 1 - 20 of 48 flight results: < 1 | 2 | 3 > Show All

SORT BY: Best Match

ECONOMY
Seat selection at purchase. Full Medallion® benefits. Free entertainment.

FIRST/BUSINESS
Additional space. First on, first off. Upgraded food and beverages.

VIEW FARE COMPARISON CHART

AF 23, AF 1422 4:15 PM → 8:45 AM WED 18 FEB 10h 30m JFK → CDG → MUC 1 STOP 1h 45m Details View Seats	Economy (X) 77,500 + €428.82 Taxes SELECT	Business (O) 187,500 + €558.82 Taxes SELECT
AF 23, AF 1622 4:15 PM → 2:40 PM WED 18 FEB 16h 25m JFK → CDG → MUC 1 STOP 7h 35m Details View Seats	Economy (X) 77,500 + €428.82 Taxes SELECT	Business (O) 187,500 + €558.82 Taxes SELECT
AF 23, AF 1822 4:15 PM → 5:30 PM WED 18 FEB 19h 15m JFK → CDG → MUC 1 STOP 10h 30m Details View Seats	Economy (X) 77,500 + €428.82 Taxes SELECT	Business (O) 187,500 + €558.82 Taxes SELECT
AF 23, AF 1022 4:15 PM → 7:45 PM WED 18 FEB 21h 30m JFK → CDG → MUC 1 STOP 12h 45m Details View Seats	Economy (X) 77,500 + €434.08 Taxes SELECT	Business (O) 187,500 + €564.08 Taxes SELECT
AZ 609, AZ 432 4:35 PM → 11:00 AM WED 18 FEB 12h 25m JFK → FCO → MUC 1 STOP 2h 20m Details View Seats	Economy (U) 77,500 + €435.76 Taxes SELECT	Business (Z) 187,500 + €495.76 Taxes 3 left at this price
AF 7, AF 1622 7:10 PM → 2:40 PM WED 18 FEB 13h 30m JFK → CDG → MUC 1 STOP 4h 35m Details View Seats	Economy (X) 77,500 + €428.82 Taxes SELECT	Business (O) 187,500 + €558.82 Taxes 3 left at this price
AF 7, AF 1822 7:10 PM → 5:30 PM WED 18 FEB 16h 20m JFK → CDG → MUC 1 STOP 7h 30m Details View Seats	Economy (X) 77,500 + €428.82 Taxes SELECT	Business (O) 187,500 + €558.82 Taxes 3 left at this price
AF 7, AF 1022 7:10 PM → 7:45 PM WED 18 FEB 18h 35m JFK → CDG → MUC 1 STOP 9h 45m Details View Seats	Economy (X) 77,500 + €428.82 Taxes SELECT	Business (O) 187,500 + €558.82 Taxes 3 left at this price
AF 7, AF 1122 7:10 PM → 10:30 PM WED 18 FEB 21h 20m JFK → CDG → MUC 1 STOP 12h 45m Details View Seats	Economy (X) 77,500 + €434.08 Taxes SELECT	Business (O) 187,500 + €564.08 Taxes 3 left at this price

MY DELTA | SIGN UP
291723168

MY TRIPS | BOOK A TRIP | FLIGHT STATUS | CHECK IN | VACATIONS | NEED HELP?

Attachment 8 (continued)

<p>Delta - Book a flight</p> <p>https://www.delta.com/air-shopping/findFlights.action?action=reviseSearch</p> <p>7:10 PM → 10:30 PM WED 18 FEB JFK → CDG → MUC 12h 30m 1 STOP</p> <p>Details View Seats</p>	<p>77,500 + €434.08 Taxes</p> <p>SELECT</p>	<p>187,500 + €564.08 Taxes</p> <p>3 left at this price</p> <p>SELECT</p>
<p>DL 4207, KL 652, KL 1793</p> <p>2:54 PM → 10:50 AM WED 18 FEB JFK → IAD → AMS → MUC 1h 33m 1h 55m 2 STOPS</p> <p>Operated by: Shuttle America DBA Delta Connection</p> <p>Details View Seats</p>	<p>Economy (NXX)</p> <p>77,500 + €435.10 Taxes</p> <p>SELECT</p>	<p>Multiple Cabins</p> <p>187,500 + €555.10 Taxes</p> <p>2 left at this price</p> <p>SELECT</p>
<p>DL 2595, AF 333, AF 1622</p> <p>3:55 PM → 2:40 PM WED 18 FEB JFK → BOS → CDG → MUC 2h 44m 4h 30m 2 STOPS</p> <p>Details View Seats</p>	<p>Economy (NXX)</p> <p>77,500 + €428.82 Taxes</p> <p>SELECT</p>	<p>Multiple Cabins</p> <p>187,500 + €558.82 Taxes</p> <p>3 left at this price</p> <p>SELECT</p>
<p>DL 2546, AF 333, AF 1622</p> <p>5:00 PM → 2:40 PM WED 18 FEB JFK → BOS → CDG → MUC 1h 41m 4h 30m 2 STOPS</p> <p>Details View Seats</p>	<p>Economy (NXX)</p> <p>77,500 + €428.82 Taxes</p> <p>SELECT</p>	<p>Multiple Cabins</p> <p>187,500 + €558.82 Taxes</p> <p>SELECT</p>
<p>DL 431, DL 130</p> <p>6:10 AM → 7:50 AM WED 18 FEB JFK → ATL → MUC 7h 39m 1 STOP</p> <p>Details View Seats</p>	<p>Economy (ND)</p> <p>95,000 + €429.21 Taxes</p> <p>SELECT</p>	<p>Multiple Cabins</p> <p>250,000 + €549.21 Taxes</p> <p>SELECT</p>
<p>DL Z382, DL 130</p> <p>8:30 AM → 7:50 AM WED 18 FEB JFK → ATL → MUC 5h 20m 1 STOP</p> <p>Details View Seats</p>	<p>Economy (ND)</p> <p>95,000 + €429.21 Taxes</p> <p>SELECT</p>	<p>Multiple Cabins</p> <p>250,000 + €549.21 Taxes</p> <p>SELECT</p>
<p>DL 440, DL 1901, DL 130</p> <p>7:00 AM → 7:50 AM WED 18 FEB JFK → BOS → ATL → MUC 3h 57m 1h 10m 2 STOPS</p> <p>Details View Seats</p>	<p>Economy (ND)</p> <p>95,000 + €429.21 Taxes</p> <p>SELECT</p>	<p>Multiple Cabins</p> <p>250,000 + €549.21 Taxes</p> <p>SELECT</p>
<p>DL 440, DL 1701, DL 130</p> <p>7:00 AM → 7:50 AM WED 18 FEB JFK → BOS → ATL → MUC 1h 22m 3h 48m 2 STOPS</p> <p>Details View Seats</p>	<p>Economy (ND)</p> <p>95,000 + €429.21 Taxes</p> <p>SELECT</p>	<p>Multiple Cabins</p> <p>250,000 + €549.21 Taxes</p> <p>SELECT</p>
<p>DL 440, DL 1801, DL 130</p> <p>7:00 AM → 7:50 AM WED 18 FEB JFK → BOS → ATL → MUC 2h 37m 2h 25m 2 STOPS</p> <p>Details View Seats</p>	<p>Economy (ND)</p> <p>95,000 + €429.21 Taxes</p> <p>SELECT</p>	<p>Multiple Cabins</p> <p>250,000 + €549.21 Taxes</p> <p>SELECT</p>
<p>DL 420, DL 1975, DL 130</p> <p>8:10 AM → 7:50 AM WED 18 FEB JFK → MSP → ATL → MUC 47m 1h 45m 2 STOPS</p> <p>Details View Seats</p>	<p>Economy (ND)</p> <p>95,000 + €429.21 Taxes</p> <p>SELECT</p>	<p>Multiple Cabins</p> <p>250,000 + €549.21 Taxes</p> <p>SELECT</p>

Attachment 9

The screenshot displays the Delta Air Lines website's 'BOOK A TRIP' section. The main content area shows a round-trip flight from Munich (MUC) to New York (JFK) on February 10th and from New York (JFK) to Munich (MUC) on February 17th. The flights are operated by Delta 131 and Delta 1750. The fare is Economy (ND). The total price is 95,000 Miles and €429.21 EUR. A 'CONTINUE' button is visible at the bottom right of the flight summary.

Below the flight summary, there is a 'TERMS AND CONDITIONS' section. A 'DETAILED CHARGES' pop-up window is overlaid on the page, showing the following breakdown:

DETAILED CHARGES	
Air Transportation Charges	
Base Fare*	€0.00
Carrier-imposed International Surcharge*	€308.00
Taxes, Fees and Charges*	
U.S. September 11th Security Fee	€9.22
U.S. Animal and Plant Health Inspection Service Fee	€4.12
U.S. Immigration and Naturalization Fee	€5.76
U.S. Custom User Fee	€4.53
DE Tax	€5.82
RA Tax	€20.44
OY Tax	€42.18
U.S. Tax	€29.14
Total Per Passenger	€429.21 EUR
Learn More About Taxes/Fees	

The pop-up window also includes a link to 'Learn More About Taxes/Fees' at the bottom.

Attachment 10

Delta: Trip Summary Page. x

https://www.delta.com/cart/activity/tripsummary.action?cacheKeySuffix=c8e262ec-68a8-4cb4-bf25-9ddd3ed5525b

HOME | NEED HELP? | COMMENT/COMPLAINT? | LOG IN

SHOP | TRAVELING WITH US | SKYMILES | Search

DELTA

TRIP SUMMARY

Start Over | Flights | Passengers | Payment

YOU SELECTED THESE FLIGHTS:

OUTBOUND Tue, 10 Feb 2015 | 9:45AM MUC to 10:50PM JFK | 1stop | DL 131 | DL 1750 | View Details

9:45AM MUC 10:50PM JFK 1stop ATL 19 hr 5 min 6h 5m Layover DL 131 DL 1750 Economy (V) Economy (V) View Seats

Complete Delta Air Lines Baggage Information

RETURN Tue, 17 Feb 2015 | 6:10AM JFK to Wed 18 Feb 7:50AM MUC | 1stop | DL 431 | DL 130 | View Details

6:10AM JFK 7:50AM MUC 1stop ATL 19 hr 40 min 7h 39m Layover DL 431 DL 130 Economy (V) Economy (V) View Seats

Complete Delta Air Lines Baggage Information

In-Flight services and amenities may vary and are subject to change.
Final baggage fees will be assessed and charged at time of check-in.
Baggage fees may change based on the class of service or frequent flyer status.

MOVE UP TO BUSINESS CLASS

You deserve the luxury

- Attentive service, luxurious surroundings
- First on, first off
- More free checked bags

☐ Upgrade to Business Class for just €1,009.00 more per person each way *

*Includes taxes and fees

BUY A REFUNDABLE ECONOMY FARE

Add convenience and peace of mind

- No fees when travel plans change
- Make your Economy fare refundable

☐ Flex this fare for just €918.50 more per person each way *

*Includes taxes and fees

All prices are (USD) unless otherwise noted.
If your itinerary qualifies for trip insurance, you will be able to add it before you purchase your ticket.

PRICE PER PASSENGER: €365.00(EUR)
TAXES, FEES AND CHARGES: €124.92(EUR)
TOTAL PER PASSENGER: €489.92 (EUR)
TOTAL FOR ALL PASSENGERS (1): €489.92 (EUR)

View change & cancellation policies
This ticket is changeable / nonrefundable. Fees may apply.

Currency Calculator

STEP UP TO ECONOMY COMFORT*
Enjoy more legroom and priority boarding for as low as \$99. GET IT NOW
*subject to availability. Additional fees may apply

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Certificate of Service

I hereby certify that I have, this 6th day of January, 2015 caused a copy of the foregoing Complaint to be served by electronic mail on the following persons:

Scott McClain

scott.mcclain@delta.com

Blane Workie

blane.workie@dot.gov

Kimberly Graber

kimberly.graber@dot.gov

/s/

Benjamin Edelman