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

	)	
	)	
Benjamin Edelman,	)	
third-party complainant	)	
	)	
v.	)	Docket DOT-OST-2014
	)	
Sri Lankan Airlines Limited	)	
	)	
	)	

## **COMPLAINT OF BENJAMIN EDELMAN**

Comments with respect to this document should be addressed to:

Benjamin Edelman 169 Walnut St. Brookline, MA 02445

E-mail: ben@benedelman.org

Dated: December 23, 2014

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

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Benjamin Edelman,	)	
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Sri Lankan Airlines Limited	)	
	)	
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### **COMPLAINT OF BENJAMIN EDELMAN**

- 1. This complaint arises out of SriLankan Airlines mischaracterizing fees as "tax" and thereby failing to comply with applicable DOT requirements.
- 2. On December 22, 2014, I used the SriLankan web site, srilankan.com, to quote ordinary paid coach round-trip travel from New York JFK to Colombo, Sri Lanka. I found that the SriLankan site misrepresented carrier-imposed surcharge as "tax."
- 3. Specifically, SriLankan provided the fare quote shown in Attachment 1. SriLankan quoted a "flight" cost of \$954 plus "tax" of \$587.60, for a total of \$1541.60.
- 4. On information and belief, there is no "tax" of \$587.60 on this route. Clicking the label "taxes" and expanding the window, I received an itemization describing a "Surcharge (YQAP)" of \$500 (which is not a "tax" and is not properly include in "tax"), along with other charges that I believe are indeed taxes. See

Attachment 2. I conclude that SriLankan overstates the amount of tax by \$500 per passenger on this route.

- 5. SriLankan's statement of "tax" is literally false.
- 6. 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.
- 7. The misstatements at issue occur on the ordinary SriLankan English-language web site, srilankan.com. The site offers a drop-down in the corner with a choice of language, showing a British flag adjacent to the label "English." The itinerary I quoted originates in the US, is priced in USD, and is marketed towards US consumers.
- 8. I found similar misstatements in other SriLankan fare quotes, including for travel to and from other origins and destinations and on other dates.
  - 9. I ask that the Department of Transportation:
    - (1) Exercise its authority under 49 USC 41712 to open an investigation of SriLankan for having engaged in, and continuing to engage in, the unfair and deceptive practices described above;
    - (2) Pursuant to such investigation, order SriLankan 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 SriLankan; 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

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non-payment to governments of monies collected as "taxes" or

government-imposed fees.

Pursuant to Title 18 United States Code Section 1001, I certify that I 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. I 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.

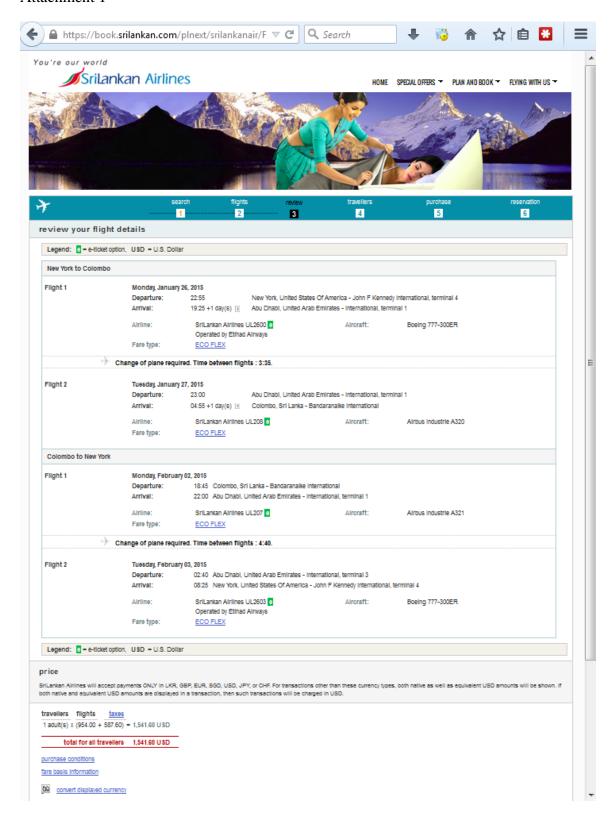
Respectfully submitted,

/s/

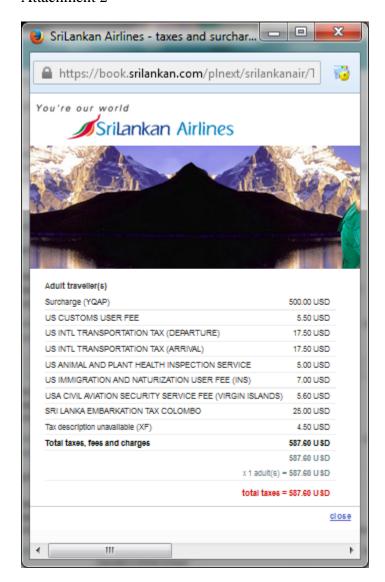
Benjamin Edelman

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#### Attachment 1



### Attachment 2



# **Certificate of Service**

foregoing Complaint to be served by electrons	onic mail on the following persons:
David Heffernan	david.heffernan@wilmerhale.com dheffernan@cozen.com
Blane Workie	blane.workie@dot.gov
	/s/
	Benjamin Edelman

I hereby certify that I have, this 23rd day of December, 2014 caused a copy of the