

## **Information for Consumers Regarding the Cessation of Service by Access Air**

On November 29, 1999, Access Air ceased flight operations and filed for protection under Chapter 11 of the bankruptcy code. Set forth below are certain alternatives available to Access Air customers who have paid for future transportation or who have other claims against the carrier. At the time this fact sheet was issued, Access Air was also providing information at 1-877-462-2237.

### **1. Transportation options**

If you purchased transportation from Access Air or from a travel agency where Access Air was the "issuing carrier," you should attempt to make arrangements on other airlines if you still wish to travel. However, consumers should realize that other airlines are not obligated to honor Access Air tickets. Under certain circumstances, some carriers may waive fare restrictions to allow you to purchase a lower priced replacement ticket than would otherwise be available. Since the level of assistance may vary among airlines, you should contact your travel agent or the airlines for specifics.

If you bought a ticket from another airline and that ticket includes a segment on Access Air, you may be able to use that ticket for transportation on another carrier, or you can get a refund from the issuing airline. If you bought a ticket from a travel agency for Access Air transportation and the ticket shows another airline as issuing carrier, this ticket can also be refunded or can probably be used for travel on another airline. In both of the above cases, if the new airline's fare is higher than the Access Air fare, you may have to pay the difference. You should contact your travel agency or the airline that issued the ticket to arrange substitute transportation.

If you purchased your ticket from Access Air or from a travel agency that showed Access Air as the issuing carrier and the ticket includes a segment on another U.S. airline, that other carrier will accept the ticket for its own segment as shown on the ticket. Airlines may or may not honor any Access Air segments or segments of other carriers on such tickets.

### **2. Refunds**

Access Air is under the protection of the bankruptcy court. Under bankruptcy law the carrier is not currently required to make refunds for unused transportation, even if a refund had been requested prior to the cessation of operations.

As described at the beginning of section 1 above, if you have a ticket which includes Access Air transportation but it was purchased from another airline or from a travel agency which showed another airline as the issuing carrier, you can get a refund from the airline or travel agency that issued the ticket if you choose not to use it for substitute transportation. If that airline attempts to assess a cancellation penalty or service charge, point out that Access Air canceled your flight, you did not cancel your reservation. The airlines' contracts of carriage generally require that they make such refunds on an "involuntary" basis, i.e. without assessing any cancellation fees.

If you charged your Access Air transportation with a credit card (whether or not you received the ticket) and you have difficulty using the transportation or refund options described above, you may be able to have the cost of the ticket credited to your credit card account as described below.

Write to the credit card issuer, being sure to state your account number. Enclose a photocopy of the ticket, itinerary or receipt if possible, or indicate the price of the transportation and the date it was purchased. If the transportation was partially used, identify the used and unused segments. State that Access Air is in bankruptcy and has ceased operations, that you will not receive the services that you charged to your account and that you are requesting a credit pursuant to the Fair Credit Billing Act.

This notice must be received by the credit card issuer no later than 60 days after the date that you received the first **monthly statement** that listed the charge for the Access Air transportation, although credit card companies sometimes waive this deadline for future transportation. Some credit card issuers may ask for the original unused tickets. If these are requested, keep photocopies and send the originals certified mail. Do not send the originals unless they are requested.

If you cannot take advantage of any of the transportation or refund options described above, you can file a claim in the bankruptcy proceeding. Get a bankruptcy "Proof of Claim" form from any U.S. Courthouse. Fill it out, keep a photocopy if possible, and send the original to:

U.S. Bankruptcy Court  
U.S. Custom House  
721 19th Street  
Denver, CO 80202-2508

Make reference to Case #97-247-01-FBB. If possible, send a photocopy of your ticket or receipt. Do not send the original, unless it is requested. Such a filing does not guarantee a refund. If a refund is made, it may not be for the full amount of the claim. The process will probably take several months at a minimum.

### **3. Baggage**

As with refunds, Access Air is not required to make payments at this time for baggage or cargo claims (e.g., loss/damage/pilferage). You should send a copy of such claims with a completed "Proof of Claim" form to the bankruptcy court.

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