



U.S. Department of  
Transportation

Office of the Secretary  
of Transportation

# Transportation Facts

Aviation Consumer Protection Division

---

## **Information for consumers regarding the cessation of service by Independence Air**

Independence Air, which has been in Chapter 11 bankruptcy since November 7, 2005, ceased flight operations on January 5, 2006. Set forth below are certain alternatives available to Independence Air customers who have paid for future transportation, or who have other claims against the carrier involving travel that took place through January 5, 2006.

### ***1. Transportation options***

If you have purchased a flight on Independence Air that was to take place on or after January 5, 2006, you may attempt to make arrangements on other airlines if you still wish to travel. Since Independence Air ceased operations, other U.S. scheduled airlines must honor Independence Air tickets (including “e-tickets”) for transportation on the same route on at least a standby basis for travel the same day as you were originally ticketed, or as soon thereafter as such space is available. This is commonly referred to as the “Section 145” requirement.

You must make such arrangements with the substitute airline within 60 days after Independence Air ceased operations, but in no event later than the date of your original travel, unless that date was within three days of the cessation of operations. If your ticketed date of travel was within three days of the date of Independence Air’s cessation of operations, you must make any alternate arrangements for space available travel within one week of the carrier ceasing operations.

Airlines offering standby space may charge you up to \$50 each way (maximum \$100 round trip per person) for such travel. Some carriers may also offer you confirmed space for an additional fee. For further information on the obligations of other airlines to honor Independence Air tickets, go to <http://airconsumer.ost.dot.gov/rules/Section%20145Guidance2005June.pdf>.

### ***2. Refunds***

Independence Air has obtained bankruptcy court approval to provide refunds to customers who have purchased transportation that was canceled as a result of the cessation of operations. Independence Air has advised us that persons who paid for tickets with cash or a check must apply for a refund, while those persons who paid by credit card will receive credit refunds

“automatically” without further action on their part. If you paid by cash or check and are seeking a refund, you should submit your claim to the carrier at the following address:

Independence Air, Inc.  
45200 Business Ct.  
Dulles, VA 20166  
Attention Accounting

You should monitor the Independence Air web site (<http://www.flyi.com>) to keep abreast of developments concerning that situation. Please note that if you avail yourself of the right to substitute air service on another airline under Section 145 as described above, that airline might ask that you sign over to it any refund received or to be received from Independence Air.

While Independence has reported to us that all credit refunds will be “automatic,” if you do not receive a credit refund that you believe you are entitled to, 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 Independence 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.

The credit card issuer must receive this notice no later than 60 days after the date that you received the first monthly statement that listed the charge for the Independence Air transportation, although credit card companies sometimes waive this deadline for future transportation. If you have a paper ticket, some credit card issuers may ask for the original unused ticket. If this is requested, keep a photocopy and send the original ticket certified mail. Do not send the original ticket unless it is requested. However, it would be a good idea to enclose a copy of any confirmation or itinerary sheet that you may have received.

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 or at <http://www.deb.uscourts.gov/Forms/b10.pdf>. Fill it out, keep a photocopy if possible, and send the original to:

Independence Air Claims Processing  
c/o Kurtzman Carson Consultants L.L.C.  
12910 Culver Blvd., Suite I  
Los Angeles, CA 90066

Make reference to Independence Air and case #05-20011. If possible, enclose 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 may take a long time. You should note that if you obtain substitute air service from another carrier as described above, it may affect your right to a refund in the bankruptcy proceeding or from a credit card issuer.

### **3. *Baggage***

Independence Air is not now making payments 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 as described in the Refunds section above.

#####

January 10, 2006