

5 February 2016

**Commission for Aviation Regulation**  
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**Earlsfort Terrace**  
**Dublin 2**  
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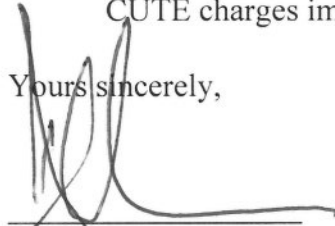
*By e-mail only***Re: Application by DAA monopoly for ATI Fee Approval – CUTE**

Dear Sir / Madam,

Please find below our comments in reply to CAR Notices 2/2016 and 3/2016 of 15 January.

1. We require CAR to confirm that the DAA monopoly cannot force airlines to use DAA's own CUTE systems as this would be a breach of its monopoly position, and that the DAA monopoly must permit airlines to install and use alternative CUTE systems.
2. The DAA monopoly must not round up its proposed CUTE charges to the nearest cent. According to DAA's own figures, their proposed €0.08 CUTE charge pdp at DUB, as opposed to the actual charge of €0.0776 pdp, results in an over-charge in excess of €32,000 in the current regulatory period. This is a breach by the DAA of its monopoly position in the form of excessive pricing. If the DAA monopoly insists that rounding is an administrative necessity, it should round down to the nearest cent.
3. The DAA monopoly's proposed future reallocation of DUB CUTE charges to ATI fees must be completely offset by a reduction in DUB airport charges.
4. CAR must ensure that the DAA monopoly does not charge for DUB CUTE through ATI fees until 2020, as per DAA's "*intention not to collect any revenues from any ATI fee approved for CUPPS at Dublin Airport prior to 1 January 2020.*"
5. CAR's notice 3/2016 confirms that the DAA monopoly's contract with ARINC, which results in reduced CUTE costs at ORK, "*runs from November 2015*". The DAA monopoly must therefore refund airlines any difference since November 2015 between the actual CUTE charges imposed and the reduced charges.

Yours sincerely,



Adrian Dunne

**Director of Operations**