

Robert H. Stolz  
2623 Sherwood Avenue  
Charlotte, North Carolina 28207

February 27, 2014

The Honorable Benito De Leon  
Acting Associate Administrator for Airports  
Federal Aviation Administration  
800 Independence Avenue, SW  
Washington, DC 20591

Dear Mr. De Leon:

I serve as chairman of the Charlotte Douglas International Airport Commission, which has been charged with the responsibility of overseeing the operation of Charlotte Douglas International Airport. As you know, the Commission was created on July 26, 2013, when the North Carolina General Assembly passed legislation known as the Commission Act. That act amended the City's charter to establish the Commission as part of the City's government.

On August 14, 2013, the Commission's then Executive Director, Jerry Orr, requested confirmation from the FAA that, because the Commission is part of the City, it may continue to operate the Airport under the City's existing airport operating certificate.

Mr. Orr requested this confirmation in order to resolve a state court lawsuit, filed by the City, seeking to stop the Commission's operation. The City had originally filed that lawsuit in an attempt to block a prior law, known as the Authority Act, which would have transferred the Airport to a separate authority. However, when the General Assembly repealed the Authority Act and replaced it with the Commission Act—thus leaving the Airport with the City—the City continued its lawsuit, alleging that the Commission Act improperly “transferred” the Airport's operating certificate to the Commission.

On July 29, 2013—three days after the Authority Act was repealed and the Commission Act was passed—the FAA sent a letter stating that if the Commission Act transferred the Airport away from the City, the new entity would have to obtain an operating certificate and show that it had authority to act as the Airport's sponsor under FAA grant programs. That letter requested a legal opinion from the North Carolina Attorney General advising the FAA on the issue.

Though the Attorney General's office responded that it could not issue a formal legal opinion about matters subject to ongoing litigation, it provided the FAA an interpretation of the Act that is virtually identical to the Commission's. In its August 13, 2013 letter to the FAA, the Attorney General's office stated that the "Commission Act does not effect a transfer of any functions away from the City of Charlotte . . . ; it merely redistributes governing authority within the City."

Based in part on the FAA's July 29, 2013 letter, the City asked the court to prohibit the Commission from operating the Airport while the City proceeded with its lawsuit. On August 9, 2013, the court granted that request, but only on a limited basis, ordering that the Commission not operate the Airport until it either obtained a new operating certificate from the FAA or received the FAA's determination that the City's existing certificate would suffice.

In effect, the court—out of an abundance of caution—has delayed the Commission's startup so that it will not be left without an operating certificate in the event the FAA determines a new one is required. Thus, the court has deferred to the FAA with respect to whether a new operating certificate is required, since that question involves federal law and the FAA's regulations.

The City's two other claims challenging the Commission Act appear to have been resolved, either by the court or the City itself. Thus, the only issue left is whether the Commission needs a new operating certificate. The court has said it will lift its preliminary injunction once that issue is resolved. Accordingly, to move forward—and fulfill its role under state law and the City's charter—the Commission needs the FAA to decide if the Commission may operate under the City's existing operating certificate, or if it needs to obtain a new operating certificate.

One final comment from my side: for the past 90 days, there have been continuous efforts to attempt to resolve the issues stated above. It is my opinion that we have now run out of opportunities to settle this, and now need for you to weigh in.

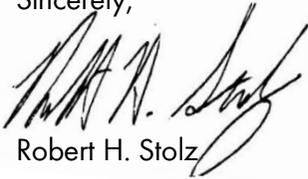
The FAA's prompt resolution of this matter is of critical importance to the City, our state, and the traveling public. Charlotte Douglas is one of the nation's busiest airports—the 11<sup>th</sup> based on passengers and the 6<sup>th</sup> by aircraft movements. It is also an invaluable economic asset to our region. Action by the FAA will bring certainty to those who depend on the Airport and do business with it.

I, along with the other members of the Commission, look forward to working with you to promptly resolve any remaining issues regarding the Airport's operating certificate and sponsorship. I would also welcome the opportunity to speak personally with you regarding these issues at your earliest convenience, and am willing to come to Washington to meet with you for that purpose, if

necessary. If you require additional information, please feel free to contact me directly in my office in Charlotte at 704 887-7955.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "R. H. Stolz", written over a light gray rectangular background.

Robert H. Stolz

Chairman, Charlotte Douglas International Airport Commission

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