

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,

*Plaintiff,*

v.

ALASKA AIR GROUP, INC.

and

VIRGIN AMERICA INC.,

*Defendants.*

Case No. 1:16-cv-02377 (RBW)

**CERTIFICATE OF COMPLIANCE WITH PROVISIONS OF THE ANTITRUST  
PROCEDURES AND PENALTIES ACT**

Plaintiff United States of America, by the undersigned attorney, certifies that it has complied with the provisions of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h) (“APPA”), and states:

1. The proposed Final Judgment and Competitive Impact Statement were filed on December 6, 2016;
2. Pursuant to 15 U.S.C. § 16(b), the proposed Final Judgment and Competitive Impact Statement were published in the Federal Register on December 13, 2016, see 81 Fed. Reg. 89979;
3. Pursuant to 15 U.S.C. § 16(c), a summary of the terms of the proposed Final Judgment and Competitive Impact Statement were published for seven days in the Washington Post, beginning on December 10, 2016 and ending on December 16, 2016; the San Francisco Chronicle, beginning on March 10, 2017 and ending on

- March 16, 2017; the Seattle Times, beginning on March 12, 2017 and ending on March 18, 2017; the Los Angeles Times, beginning on March 11, 2017 and ending on March 17, 2017; the Oregonian, beginning on March 12, 2017 and ending on March 24, 2017; the Alaska Dispatch News, beginning on March 10, 2017 and ending on March 17, 2017; the Dallas Morning News, beginning on March 12, 2017 and ending on March 20, 2017; and the Wall Street Journal, beginning on March 13, 2017 and ending on March 20, 2017;
4. Defendants certified compliance with the requirements of Section 2(g) of the APPA, 15 U.S.C. § 16(g), on December 16, 2016;
  5. The sixty-day comment period specified in 15 U.S.C. § 16(b) commenced on March 24, 2017, and ended on May 23, 2017;
  6. The United States received no public comments concerning the proposed Final Judgment<sup>1</sup>;
  7. Pursuant to the Stipulation and Order entered on December 12, 2016, and 15 U.S.C. § 16(e), the Court may enter the proposed Final Judgment after it determines that the proposed Final Judgment serves the public interest;

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<sup>1</sup> The United States received one letter that references this case but does not comment on the merits of the proposed settlement or Alaska's acquisition of Virgin America. The letter appears to seek assistance with a completely unrelated lawsuit brought by the author of the letter, which the United States District Court for the Southern District of New York dismissed as frivolous. The author of the letter also enclosed the order dismissing the unrelated case, the docket in the author's appeal of that order, and copies of unrelated articles from the Wall Street Journal. Because the submission does not pertain to the proposed settlement in this case, the United States did not publish it in the Federal Register but attaches a copy of the letter and the enclosures related to the author's lawsuit with personal identifying information redacted as Ex. 2 to the United States' Renewed Mot. for Entry of the Proposed Final Judgement, filed simultaneously with this certification.

8. The United States' Competitive Impact Statement demonstrates that the proposed Final Judgment satisfies the public interest standard of 15 U.S.C. § 16(e); and
9. The United States has satisfied all the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h), necessary for entry of the proposed Final Judgment, including the requirements imposed by the Court's March 7, 2017 Order, ECF No. 13, and requests that this Court enter the proposed Final Judgment.

Dated: June 6, 2017

Respectfully submitted,

/s/ Katherine Celeste

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