



April 1, 2019

Honorable Kelleen Potter
Mayor
Heber City Main Office
75 N. Main Street
Heber City, UT 84032
kpotter@ci.heber.ut.us

Re: Heber City Airport (HCR)

Dear Mayor Potter:

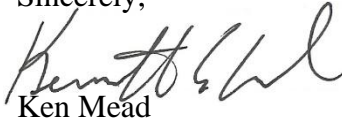
The Aircraft Owners and Pilots Association (AOPA) understands that on April 2, 2019 the Heber City Council will take up two resolutions (Resolutions 2019-08 and 2019-09), each of which provide that the City will undertake an Airport Master Plan study. While a study of the Airport's Master Plan may well be in order to assure that the airport meets the community's current and future needs and promotes safety, the text of the proposed resolutions also contains language that will have clear and present anticompetitive effects and, in fact, explicitly rescinds pro-competitive measures that were adopted by the City Council in 2017 when the Council revised its Airport Minimum Standards. AOPA strongly opposes these aspects of the Resolutions in that they are anticompetitive, grant exclusive rights to the incumbent FBO in violation of the grant assurances Heber City made to secure Federal money, and otherwise unjustly discriminate against potential vendors, airport users, and our membership.

Specifically, the Resolutions will immediately suspend and prohibit any consideration for a second Fixed Base Operator (FBO) to provide competition to the current Fixed Base Operator which occupies a monopoly position on the field, any new Specialized Aviation Service Operator (SASO), as well as a stand-alone, self-service fueling facility that would provide more reasonable and competitive fuel prices. As the Council is aware, Heber City Airport attracted a great deal of attention for its egregiously high fuel prices and fees in 2017. AOPA received an alarming number of complaints about Heber from its members and other users. We raised those issues with the City Council in our July 6, 2017 letter, copy attached. It was against this backdrop that AOPA was greatly encouraged by a series of pro-competitive actions taken by the City later in 2017, including the revision of the Airport Minimum Standards that the proposed Resolutions would rescind. We wrote to the Council in September, 2017 to go on record in support of the pro-competitive actions the Council was considering and ultimately adopted, copy attached. We write again today to urge the Council not to go backward, but to proceed with implementing the standards it adopted in 2017.

We know that OK3, the incumbent and monopoly position FBO, has sued the City in an effort to retain its position and protect its own commercial interests. Notwithstanding this, the City Council's responsibility is to represent the public interest and run this public-use airport in a manner that complies with grant assurances and promotes a competitive environment that will better ensure reasonable and fair pricing for users. The proposed actions do not meet this test and that is why AOPA opposes them. The Council's responsibilities are not somehow suspended when it becomes uncomfortable or controversial to ensure their discharge.

Finally, we note that the text of the Resolutions implies that the FAA both endorsed and encouraged the City to rescind the pro-competitive measures it adopted in 2017. If this is so, it would be highly irregular and inappropriate. In any event, we will communicate directly with the FAA concerning the nature of their involvement in this matter.

Sincerely,



Ken Mead
General Counsel &
Executive Vice President

Enclosures:

- July 6, 2017 Letter from AOPA to Heber City Council
- September 13, 2017 Letter from AOPA to Heber City Council

About AOPA:

Since 1939, AOPA has protected the freedom to fly for thousands of pilots, aircraft owners and aviation enthusiasts. AOPA is the world's largest community of pilots with representatives based in Frederick, Md., Washington, D.C., and seven regions across the United States, AOPA provides member services that range from advocacy at the federal, state, and local levels to legal services, flight planning products, safety programs and award-winning media. To learn more, visit www.aopa.org.

Cc:

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