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FOUNDED 1866

October 14, 2015

By Electronic Mail and Federal Express

Ms. Winsome A. Lenfert
 Manager, Airports Division
 Southern Region
 Federal Aviation Administration
 1701 Columbia Avenue
 College Park, GA 30337

Subject: Paulding County Airport Part 139 Application

Dear Ms. Lenfert:

On September 24, 2015, the Chair of the Paulding County Board of Commissioners, David Austin, was reported to have said in a speech to a local civic group that the FAA would be releasing its Draft Environmental Assessment (“EA”) on the Paulding Airport within the next thirty days. Although we have been unable to confirm the FAA’s timeline, I am writing to express my clients’ opposition to the FAA issuing any draft EA or holding its required public meeting unless and until fundamental issues regarding the validity of the underlying Part 139 application are resolved.

As you know, on January 13, 2015, the Paulding County Board of Commissioners adopted resolution 15-01, which withdrew the Part 139 application. The Board has now additionally questioned whether Mr. Swafford even had the authority to file the initial application, which was not authorized by any Board vote, either by his employer at the time, the County, or the Paulding County Airport Authority (“PCAA”).¹ And on August 24, 2015, the city of Atlanta filed a Part 13 complaint against the PCAA, claiming a legal

¹ Additional evidence that Mr. Swafford was acting in his capacity as a county employee is found in the July 17, 2012 letter from Mr. Swafford to the Transportation Security Administration discussing plans for the commercialization of PUJ. The letter is on County letterhead and signed in his capacity as Director of the Paulding County Airport Department, not the PCAA. The letter makes no reference to the PCAA.

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restriction on using land the City gave the County on the express representation that it would not be used to build a commercial airport.

As you know, your office sent a letter to Paulding County requesting a legal opinion as to the County's authority to withdraw the Part 139 application in light of the Airport Authority's stated interest in continuing to pursue the Part 139 certificate. I wrote a letter on behalf of my clients on July 22, 2015 detailing many reasons why the FAA should defer to the local government, and importantly, the will of the voters who elected the County Commissioners, and treat the application as withdrawn. It is our understanding that the County has retained special counsel to prepare a legal opinion in response to your request and the City's complaint, and is now pursuing a separate legal opinion regarding the apparent lack of authority of Mr. Swafford in initiating the Part 139 certification process without either PCAA or County Board approval.

Under these circumstances, and until the FAA fully reviews the County's and City's actions, and makes a finding on whether the PCAA has any remaining authority to pursue the 139 application, we respectfully submit that it would be a misuse of resources for all involved parties to work their way through a Draft EA, prepare and submit comments, participate in a public meeting, and begin the process of finalizing the EA. Rather, the better and more prudent course would be to wait until these critical legal questions are fully resolved, and if necessary, adjudicated, before proceeding further with this draft EA. Only when, and if, it is concluded that the PCAA has the authority and ability to maintain this application in the face of the County's repudiation of commercial service at Paulding and the City's claim of right in a restriction running with the land, should the FAA take further action.

Thank you very much for your consideration of this concern. We look forward to your reply.

Sincerely,



Peter R. Steenland

cc. R. Govan
D. Fuller