

120.01 Definition of Signatory Carriers

- A. To be classified as a Signatory air carrier, a passenger air carrier (not an exclusive cargo air carrier) shall be Signatory with a current Use and Lease Agreement and meet the following requirements:
- 1) For Federal Aviation Regulations (FAR) Part 121 operators: lease at a minimum one (1) preferential gate.
 - 2) For FAR Part 135 operators: operate a minimum of five (5) flights per day.
 - 3) In the event that the City does not make a gate available for lease on a preferential basis: operate a minimum of two (2) scheduled flights per day, and lease a minimum of 500 square feet of operating related space (excludes cargo space).
 - 4) Be party to a Code Sharing Agreement with a host Signatory air carrier. Such Air Carrier may be either a domestic or international air carrier or either a commuter (FAR Part 135) or scheduled (FAR Part 121) air carrier. Such air carrier operations must be conducted from the host Signatory air carrier's preferential gates.
 - 5) Be an affiliate or successor in interest of a host Signatory air carrier. Such Air Carrier operations must be conducted from the host Signatory air carrier's preferential gates.
- B. To be classified as a Signatory air carrier, a cargo carrier (not a combination passenger/cargo carrier), shall be Signatory with a current Use and Lease Agreement, and that leases a minimum of 2,875 square feet of cargo building space or so long as the buildings are fully leased the leasing of a minimum of one narrow-body preferential parking position of approximately 33,000 square feet. A cargo feeder airline, affiliate or successor in interest of a host Signatory cargo carrier that operates from the host Signatory cargo carrier's preferential apron and has signed a current Use and Lease Agreement shall also be classified as a Signatory air carrier.
- C. To be classified as a Signatory air carrier, an international air carrier shall be Signatory with a current Use and Lease Agreement and authorized to operate pursuant to FAR Part 129 on either a scheduled or scheduled charter (capable of transacting individual passenger bookings) basis.

120.02 Charges for Scheduled Air Carriers – Effective January 1, 2017

A. Landing Fees

All scheduled air carriers and cargo, charter and commuter carriers authorized to serve Denver and using Denver International Airport shall pay the following fee per 1,000 pounds of maximum gross allowable landing weight for all arrivals of aircraft:

| Description | Signatory Rate | Non-Signatory Rate |
|--------------------|-----------------------|---------------------------|
| Landing Fees | \$ 5.08 | \$ 6.09 |

The term “maximum gross allowable landing weight” shall mean the maximum permissible gross weight which the aircraft may lawfully have or be permitted to have at the time of landing as set forth in the Federal Aviation Administration Aircraft Specifications, and without giving consideration to local factors. Exceptions:

- 1) No fee shall be due in the event an aircraft departs from the airport for another destination and is forced to return and land at the airport because of meteorological conditions, mechanical or operating causes or for any similar emergency or precautionary reason.
- 2) No landing fees shall be payable by any aircraft owned and operated by the United States government and its agencies, non-commercial aircraft owned and operated by foreign governments on a flight authorized by the Department of State, or commercial aircraft on a flight dedicated to carrying foreign heads of state and not operating as a commercial flight.
- 3) No landing fees shall be payable on non-revenue, test flights approved by either the Chief Executive (CEO) or the Chief Operating Officer (COO) that may be required to meet operational safety or Federal Aviation Administration (FAA) certification requirements.
- 4) The CEO may waive landing fee payments, in his or her discretion, for medical, charity or non-profit events, on an infrequent basis.

B. Terminal Complex Rentals

All persons (excluding Concession Operators) occupying space in the landside terminal building and appurtenant concourse area at the airport, exclusively for their own business purposes, and not having other contractual arrangements with the City and County of Denver, shall pay a charge per square foot of such space, calculated at the following annual rates per square foot:

| Base Terminal Complex | Signatory Rate | Non-Signatory Rate |
|--|-----------------------|---------------------------|
| Concourse B Basement Space | \$ 55.80 | \$ 66.96 |
| Concourse A and B Basement Space (written off space) | \$ 42.93 | \$ 51.52 |
| All other leased space | \$ 85.85 | \$ 103.02 |

| Tenant Finishes and Equipment | Signatory Rate | Non-Signatory Rate |
|--------------------------------------|-----------------------|---------------------------|
| Landside Terminal | \$ 40.91 | \$ 49.09 |
| Concourse A | \$ 27.90 | \$ 33.48 |
| Concourse B | \$ 34.96 | \$ 41.95 |
| Concourse C | \$ 23.70 | \$ 28.44 |

Furthermore, all persons (excluding Concession Operators) occupying space in the concourse area at the airport, exclusively for their own business purposes, and not having other contractual arrangements with the City and County of Denver, shall pay a pro-rata share of the Joint Use costs in each of the Concourses allocated to each airline based on their respective share of Airline Leasable square footage on each concourse. The annual cost per square foot, is as follows:

| Joint Use | Signatory Rate | Non-Signatory Rate |
|------------------|-----------------------|---------------------------|
| Concourse A | \$ 20.63 | \$ 24.76 |
| Concourse B | \$ 51.56 | \$ 61.87 |
| Concourse C | \$ 29.81 | \$ 35.77 |

Joint Use Space represents space used by scheduled air passenger carriers, charter and commuter carriers within each concourse such as ground power and preconditioned equipment rooms, tug parking and circulation, and triturator space which are shared on a non-exclusive basis by the carriers on that concourse.

C. Baggage System Fees

All passenger air carriers using the Terminal Complex shall pay the following charges for use of the baggage systems:

1) Conventional Baggage System

All passenger air carriers occupying space in the landside terminal building, exclusively for their own business purposes, shall pay their pro-rata share of the joint use space costs associated with the Conventional Baggage System allocated based on their respective share of Airline Leased square footage in the landside terminal. The total annual requirement is \$11,468,000. The annual rate per leased square foot is \$261.77. Such rate is subject to amendment as leased square footage changes. Non-Signatory carriers shall pay 120% of the Signatory rate.

Conventional baggage system equipment and space other than joint use space shall be allocated to each of six modules in the landside terminal complex used for such facilities. The cost of each module will be allocated on a pro-rata basis to each carousel within each module. Each carrier or foreign air carrier will pay for the module they utilize on an exclusive use basis. Carousels used by more than one carrier will be allocated among the carriers using the carousel based on their pro-rata share of originating passengers in proportion to all of the carriers using said carousel.

i. United Airlines

This charge is the annual cost for equipment used exclusively by United Airlines in their two landside terminal modules and an allocation of operating costs.

Annual Requirement \$6,663,000

ii. Other air carriers leasing ticket counter space

These charges are allocated to each airline by its number of outbound baggage carousels as a percentage of total carousels.

Signatory \$7,080,000 Annual Requirement

Non-Signatory 120% of Signatory allocation

iii. Other air carriers not leasing ticket counter space

For those carriers the following will be assessed:

Signatory \$0.52 per originating passenger

Non-Signatory \$0.62 per originating passenger

2) Automated Baggage System [Reserved]

3) Baggage Sortation Fees [Reserved]

4) AGTS and Tunnel Fees

All airlines using the Terminal Complex at the airport shall pay a charge allocated to users based on all Originating and Destination Passengers equal to the following:

| Description | Signatory Rate | Non-Signatory Rate |
|----------------------|----------------|--------------------|
| AGTS and Tunnel Fees | \$ 1.15 | \$ 1.38 |

5) Interline Bag Transfer Area [Reserved]

D. Common Use System Equipment (CUSE)

All airlines using the CUSE system at the gate will be assessed a fee based on the full utilization of the equipment and allocated based on per 1,000 pounds of maximum gross allowable landing weight. Airlines using the CUSE system at the ticket counter will be assessed a fee based on the number of ticket counter positions with an annual requirement of \$605,000.

| Description | Signatory Rate | Non-Signatory Rate |
|-------------|----------------|--------------------|
| Gate | \$ 0.06 | \$ 0.07 |

120.03 Fees and Charges for Non-Scheduled Air Carriers and Operators – Effective January 1, 2017

A. Landing Fees for Air Taxi Operators:

All Part 135 certified air taxi operators having a maximum seating capacity of less than or equal to 10 passengers, shall pay a minimum fee on all arrivals of aircraft equal to \$20.00 per landing or \$5.08 per 1,000 pounds of maximum gross allowable landing weight, whichever is greater.

B. Landing Fees for General Aviation and Other Aircraft:

All aircraft operators other than scheduled and nonscheduled air and cargo carriers, charter, regional commuter and air taxi operators shall pay a minimum fee on all arrivals of aircraft equal to \$40.00 per landing or \$5.08 per 1,000 pounds of maximum gross allowable landing weight, whichever is greater.

C. Fuel Flowage Fees:

All aircraft operators other than scheduled air and cargo carriers, charter, regional commuter and air taxi operators shall pay a \$0.08 per gallon fuel flowage fee. This charge shall be collected and remitted by operators who dispense aviation fuel at the Airport, and shall be in addition to the landing fee.

D. Landing Fees for Helicopters:

The fee for all arrivals of helicopter aircraft shall be \$20.00 per landing.

E. Cargo Feeder Airlines:

Non-Signatory cargo feeder airlines contracting with a Signatory cargo carrier will pay Non-Signatory landing fees. No additional ramp charges will be assessed when a feeder airline uses the demised lease ramp space of the Signatory cargo carrier. Signatory cargo carrier shall provide written notice to the City and a copy of the executed feeder operating agreement not less than thirty (30) days prior to the effective commencement date.

Definition of Cargo Feeder Airline: An airline contracting with a Signatory cargo carrier to transport the Signatory carrier’s cargo, freight and mail. The City must have on file (1) DEN Operating Permit; (2) a copy of the operating agreement between the Signatory Cargo Carrier and the Feeder Airline; (3) proof of insurance meeting the City’s requirements; (4) a valid performance bond, letter of credit or payment in advance, in the amount of 3 month’s rates, fees and charges; (5) a DOT/FAA operating certificate, or if not a certified carrier, a letter stating under which air carrier’s authority the Feeder Airline is operating and a copy of that carrier’s operating certificate; and (6) a signed Hold Harmless Agreement.

120.04 Charges for Use of Concourse Ramp Area – Effective January 1, 2017

The concourse ramp area is composed of the aircraft parking aprons and pushback zones located adjacent to the airside concourses with the per linear foot charge for each carrier gate measured two hundred and fifty (250) feet from the exterior wall of each concourse.

Signatory air carriers using a gate at the terminal complex shall pay an annual charge of \$1,171.90 per rented linear foot of concourse ramp area.

120.05 Charges for Use of Concourse Gates – Effective January 1, 2017

A. General

All air carriers authorized to serve Denver and using a non-preferential gate shall pay non-preferential rates. Signatory air carriers using gates on a non-preferential basis shall pay non-preferential rates, except as follows: In the event no gates are available on a concourse that a Signatory airline operates from, or the City receives a request for preferential gates from a Signatory airline that meets the minimum preferential gate use requirements but elects not to lease such gates on a preferential basis, such airline will be charged preferential per use rates for the respective gate, up to a maximum of the preferential cost of that gate. Carriers shall pay on a basis of per 1,000 pounds of maximum gross allowable landing weight for each Deplaning Aircraft Operation and each Enplaning Aircraft Operation:

| Gate Use Fees | Preferential Rate | Non-Preferential Rate |
|----------------------|--------------------------|------------------------------|
| Concourse A | \$ 1.22 | \$ 1.46 |
| Concourse B | \$ 1.80 | \$ 2.16 |
| Concourse C | \$ 1.58 | \$ 1.89 |

A Preferred Airline may schedule an air carrier to use its preferential gates for ground handling purposes, provided that a ground handling agreement was in place or the City had written notice of an intent to enter into a ground handling agreement prior to January 1, 1995. Such air carrier may be either a domestic or international air carrier and either a domestic or international air carrier or either a commuter or scheduled air carrier. Such carrier shall remit directly to the City the non-preferential gate use fee and any other appropriate fees as established by the Airport Rules and Regulations.

A preferred airline also may seek approval of preferential use gate sharing as outlined in Rule 160.01-1.

B. Concourse A Commuter Gates

All Signatory air carriers authorized to serve Denver and using the Concourse A commuter facility and holdroom for their own business purposes shall pay per gate \$191,000 annually. This gate fee includes joint use of the commuter holdroom and check-in counter areas and the corridor leading to the commuter gates. In addition, Signatory air carriers shall pay \$0.45 per 1,000 pounds of maximum gross allowable landing weight for each Deplaning Aircraft Operation.

If the City elects not to lease a commuter gate on a preferential basis, a Signatory carrier will pay \$1.46 per 1,000 pounds of maximum gross allowable landing weight for each Deplaning Aircraft Operation. Non-preferential charges for Concourse A commuter gates shall be \$1.75 per 1,000 pounds of maximum gross allowable landing weight for each Deplaning Aircraft Operation.

120.06 Charges for Use of the International Facilities – Effective January 1, 2017

All air carriers using the International facilities in the Terminal complex shall pay a Federal Inspection Service (FIS) fee as well as a Gate Use Fee. Non Signatory carrier fee for the Federal Inspection Service (FIS) fee will be 130% of the Signatory rate. The Non-Signatory gate use fee shall be 120% of the signatory rate as shown below:

| Description | Basis | Signatory Rate | Non-Signatory Rate |
|--------------------------------------|---|-----------------------|---------------------------|
| Federal Inspection Service (FIS) Fee | Per arriving international passenger | \$ 7.16 | \$ 9.31 |
| Gate Use Fee | Per arriving & departing domestic and international passenger | \$ 4.07 | \$ 4.88 |

120.07 Charges for Use of Baggage Claim Facilities – Effective January 1, 2017

All air carriers using the Terminal Complex, shall pay a charge allocated to users based on Domestic Outbound Bags equal to the following:

| Description | Signatory Rate | Non-Signatory Rate |
|---------------|----------------|--------------------|
| Baggage Claim | \$ 1.56 | \$ 1.87 |

120.08 Charges for Use of Cargo Facilities – Effective January 1, 2017

All persons occupying space in the Cargo Buildings (excluding Cargo facilities constructed by Continental and United with Special Facility Revenue Bonds), exclusively for their own business purposes, and cargo apron area on a preferential and non-preferential basis, and not having other contractual arrangements with the City and County of Denver, shall pay a charge for such space, calculated at the following annual rates per square foot:

| Cargo Facilities | Signatory Rate | Non-Signatory Rate |
|--------------------------|----------------|--------------------|
| Cargo Building Rent | \$ 9.44 | \$ 11.33 |
| Cargo Apron Fee | \$ 0.57 | \$ 0.68 |
| Ground Service Equipment | \$ 0.11 | N/A |

Use of the Cargo apron by Non Signatory air carriers on a non-preferential basis shall be \$1.68 per 1,000 pounds of maximum gross allowable landing weight.

Each person occupying space in the Cargo buildings, exclusively for their own business purposes, and not having other contractual arrangements with the City and County of Denver, shall pay an additional rate or charge per square foot for any applicable tenant finishes made by the City to such space based on the cost of such finishes.

120.09 Ground Rent – Effective January 1, 2017

All person occupying space at Denver International Airport, (excluding car rental companies), exclusively for their own business purposes, and not having other contractual arrangements with the City and County of Denver, shall pay an annual rate of \$0.72 per square foot for developed land including grading, drainage, utility and road access, \$0.68 per square foot for land with utility and road access only, and \$0.12 per linear foot for pipeline license or easement.

All car rental companies shall pay an annual rate of \$1.11 per square foot for land.

120.10 Charges for Use of the Antenna Farm – Effective October 1, 2002

All persons occupying space in the Antenna Farm site or utilizing the radio frequency (RF) distribution system at airport, exclusively for their own business purposes, and not having other contractual arrangements with the City and County of Denver, shall pay the following annual rates:

| Description | Annual Rate |
|-----------------------------------|--------------------|
| Per Satellite Transmitter Dish | \$ 3,600.00 |
| Per Antenna/Satellite on a Tower | \$ 1,200.00 |
| Per Radio Cabinets | \$ 1,000.00 |
| Per Geographic Positioning System | \$ 300.00 |
| Electricity (100% Cost Recovery) | Variable |

If a tenant wishes to build its own facilities on the antenna farm site, Ground Rent at the Developed Rate will be assessed based on the square footage of the site.

120.11 Passenger Facility Charges – Effective April 1, 2001

There is hereby imposed a passenger facility charge (PFC) of four dollars and fifty cents (\$4.50) per passenger to be collected by all air carriers and foreign air carriers. The PFC is imposed pursuant to 14 C.F.R. Part 158, Federal Aviation Administration, Department of Transportation, “Passenger Facility Charges”, and in accordance with the approval by the FAA on October 30, 2000 of the City’s application to amend its previously approved application 92-01-C-00-DEN to impose and use a passenger facility charge at Denver International Airport. Written notice complying with 14 C.F.R. Part 158.43 was provided each air carrier and foreign air carrier on November 27, 2000.

The terms “air carrier” and “foreign air carrier” shall mean any company providing passenger service from the Airport and operating under authority of the Federal Aviation Administration and the Airport, except dedicated air ambulance services.

PFCs shall be collected for all passengers who are not specifically exempted by Federal Aviation Administration regulations.

All PFCs shall be remitted to the City no later than the last day of the calendar month following their collection (or the first business day thereafter if the last day is not a business day) and all collection, handling and remittance of PFCs shall comply with Subpart C of 14 C.F.R. Part 158.

Each carrier collecting PFCs shall file quarterly reports with the Airport [monthly reports are also acceptable in lieu of quarterly] providing an accounting of funds collected and funds remitted:

- A. Reports shall include the total PFC revenue collected, the total PFC revenue refunded to passengers, the amount of collected revenue withheld for reimbursement of expenses in accordance with 14 C.F.R. Part 158.53, and the dates and amounts of each remittance for the quarter or month.
- B. Reports shall be filed on or before the last day of the calendar month following the calendar quarter or month for which funds were collected.

- C. Each carrier collecting PFCs shall comply with the record keeping and auditing requirements of 14 C.F.R. Part 158.69 and shall provide a copy of the required annual audit to the City as soon as it is available each year.

120.12 Ground Handling Fees – Effective March 1, 2001

All Non-Signatory air carriers and ground handling companies shall pay a charge of 10% of the gross revenues received for providing ground handling services to Non-Signatory air carriers at all airport gates in the terminal complex.

Ground handling by Non-Signatory air carriers and ground handling companies will require a ground handling permit from the City. Ground handling by a Signatory air carrier for another carrier requires approval by the City not less than thirty (30) days prior to the effective date of such agreement.

120.13 Charges for Concession Operators – Effective June 1, 2007

A. Terminal Complex Rent:

All Concession Operators, including retail, food and beverage, and service providers but excluding car rental companies, occupying space in the landside terminal building and/or appurtenant concourse area at the airport, exclusively for their own business purposes, and not having other contractual arrangements with the City and County of Denver, shall pay a rate or charge equal to the greater of a percentage of gross revenues from the sale of all merchandise, products, and services or a minimum monthly guarantee per square foot of such space.

Concession Operators not having other contractual arrangements with the City and County of Denver shall pay a rate or charge per square foot for office and/or storage space used exclusively for their own business purposes at the following annual rate per square foot:

| Description | Annual Rate |
|-------------------------|--------------------|
| Retail/Merchandise | \$ 70.00 |
| Food/Beverage | \$ 59.00 |
| Amusement/Entertainment | \$ 47.00 |
| Services | \$ 36.00 |

Furthermore, Concession Operators not having other contractual arrangements with the City and County of Denver shall pay a rate or charge per square foot for office and/or storage space used exclusively for their own business purposes at the following annual rate per square foot:

| Description | Annual Rate |
|---|-------------|
| Landside Terminal Level 6 & Concourse Mezzanine (Office Space) | \$ 59.00 |
| Landside Terminal Level 4 & Concourse Apron/Basement (Office Space) | \$ 25.00 |
| Terminal Complex Storage | \$ 12.00 |

B. Food Court Capital Improvements and Renovation Costs (CACI costs) [Reserved]

120.14 Charges for Car Rental Concessions – Effective January 1, 1996

All car rental operators authorized to serve the airport and occupying space in the terminal complex exclusively for their own business purposes, and not having other contractual arrangements with the City and County of Denver, shall pay the following rate of \$60 per square foot annually.

120.15 Charges for Courtesy Booth Rent – Effective April 1, 1996

All persons using courtesy booths as authorized by the airport shall pay a charge of \$50.00 per day. The persons using the courtesy booths shall be responsible for installation and removal of telephone service, if applicable. Booth signage must be approved in advance. The rent for courtesy booths is payable in advance.

120.16 Payments/Performance Bonds

A. Payments

All rate, fees and charges are due and payable upon billing except for the following:

- 1) Landing Fees are due and payable without notice on the 15th day of the month following the activity. Provided, however, that if a carrier has filed for protection under bankruptcy laws, estimated Landing Fees shall be due and payable in advance without notice on the first day of the month, in an amount equal to the average of the 12 months, or available portion thereof, immediately preceding the bankruptcy, plus an adjustment for the difference between the prior month actual Landing Fee due and estimate.
- 2) The Monthly Statistics report is due by the 15th calendar day of the month following the month for which activity is being reported.
- 3) Terminal Complex Rentals are due and payable in advance, without notice, on the first day of the month.

- 4) All PFCs shall be remitted to the City no later than the last day of the calendar month following their collection or the first business day thereafter if the last day is not a business day.

B. Performance Bond

Unless participating in the Alternate Bond Program described below, each air carrier shall deliver to the Manager, and shall maintain in effect at all times, a valid corporate performance bond, or an irrevocable letter of credit, in the amount of Three Million Dollars (\$3,000,000), or an amount equal to three (3) months of rates and charges, whichever is less, payable without condition to the City and County of Denver, with surety acceptable to and approved by the Manager, guaranteeing to the City the full performance of all obligations.

C. Alternate Bond Program

An air carrier may request to participate in the Alternate Bond Program. The Alternate Bond Program will be available to air carriers on a temporary basis solely to assist those in need of establishing credit where they may otherwise be unable to do so commercially. The process shall be as follows:

- 1) The air carrier must submit a written request to participate, along with information regarding its efforts to obtain a bond or letter of credit commercially.
- 2) With the Manager's approval, the City and the air carrier will jointly develop a plan for meeting the full bond requirement through monthly payments on an agreed amount over a period of time agreed upon by the City.
- 3) All such payments shall be held by the Airport as a security deposit, without interest, until such time as the air carrier has replaced such amounts, in whole or in part, with a bond or letter of credit as described below and the air carrier is current on all amounts due to the City.
- 4) The air carrier will negotiate with an acceptable surety or financial institution for issuance of a partial bond or letter of credit in a gradually increasing amount until the full bond requirement is met.
- 5) Replacement of the security deposit amount with a partial bond or letter of credit shall occur no less than quarterly.
- 6) The air carrier must pay estimated landing fees and other variable charges in advance, on the first day of the month, until the full bond requirement is met.
- 7) Failure to make Alternate Bond payments when due may result in termination of the air carrier's participation in the Program and reinstatement of the full performance bond requirement under 120.16(B) above.

120.17 [Reserved]

120.18 Charges for Fuel – Effective October 1, 2016

All users of the fuel system shall execute the appropriate agreements with the City and/or with a Contracting User to define their status for access and for rates and charges purposes.

Below are the current per gallon user rate caps:

| Description | User Rate |
|-----------------|-----------|
| Contracting | No Cap |
| Non-Contracting | \$ 0.10 |
| Itinerant | \$ 0.12 |

120.19 [Reserved]

120.20 Landside Terminal Building Parking— Level Three – Effective January 1, 1996

All commercial vehicles with assigned parking in Level Three (3) of the landside terminal shall pay a monthly parking rate of \$50.00 per parking space.

120.21 Extended and Overnight Aircraft Parking – Effective October 1, 2009

The following rates for extended and overnight aircraft parking:

- A. The rate for overnight aircraft parking by scheduled air passenger carriers and cargo, charter, and commuter carriers, at gate locations other than those preferentially assigned, shall be \$200.00 per night. “Overnight” is defined as occurring between the hours of 10:00 p.m. of one day and 6:00 a.m. of the following day.
- B. The rate for extended aircraft parking by scheduled air passenger carriers and cargo, charter, and commuter carriers at gate locations other than those preferentially assigned shall be \$200 per occurrence. “Extended” is defined as a stay greater than two hours between the hours of 6:00 a.m. and 10:00 p.m.
- C. The rate for aircraft parking by scheduled air passenger carriers and cargo, charter, and commuter carriers at remote locations shall be \$150.00 per occurrence greater than two hours within a twenty-four hour period.

120.22 Ticket Counter Use Charge – Effective January 1, 2017

The rate for non-exclusive ticket counter space per use by scheduled air passenger carriers, charter and commuter carriers, or third-party contractors serving such parties shall be \$2.51 per originating passenger. If an air carrier is being ground handled by a company exclusively leasing ticket counter space, no ticket counter use fee will be assessed.

120.23 Airline Subletting, Assignment, or other Agreements Related to Use of Leased Space

Upon written approval of the Manager, which shall not unreasonably be withheld, an airline may sublet or assign or otherwise transfer the use of its Demised Premises, in whole or in part, to

another airline, or use the Demised Premises for the handling by airline's personnel of air transportation operations of other airlines, subject, however, to each of the following conditions:

- A. No sub-lease or assignment or other transfer shall relieve the airline from primary liability for any of its obligations hereunder, and airline shall continue to remain primarily liable for the payment of rentals, fees, and charges applicable to such premises and facilities;
- B. Airline shall provide written notice to the City and a copy of the proposed sublease, assignment or other transfer not less than thirty (30) days prior to the effective date of such arrangement;
- C. Any sublease or assignment or other transfer shall be subject to and shall include the disclosure of lease rate, mark-up, or other compensation, and such lease rate, mark-up or other compensation shall be reasonable, in the Manager's opinion; and
- D. Any authorization by the airline for use of a Preferential Use Gate by another airline shall require such other airline to remit directly to the City a non-preferential use gate fee as established by Airport Rules and Regulations Section 120.05. All such fees shall be credited in the calculation of rentals, fees and charges.

120.24 Customer Facility Charges – Effective January 1, 2014

There is hereby imposed a Customer Facility Charge (CFC) of two dollars and fifteen cents (\$2.15) per Rental Car Transaction Day for all Airport

- A. Customers to be collected by all on-airport rental car companies. The CFC is imposed pursuant to the provisions of Chapter 5 and Sections 5-15 and 5-16 of the Revised Municipal Code of the City and County of Denver. The CFC shall be established through a cost recovery methodology based on the estimated costs associated with the management of, improvements to, and expansion of the existing rental car facility area and related transportation facilities and the planning and design of future phases of the rental car program.
- B. The term "Airport Customer" shall mean any user of the Airport who has arrived at the Airport within 24 hours previous to entering into a motor vehicle rental agreement at any location on Airport premises, including fixed base operators, or who is transported to an off-airport business location of an on-airport rental car company within a twenty (20) mile radius of the airport via a ground transportation vehicle for the purpose of entering into an automobile rental agreement, and shall include customers obtained through discount arrangements whereby the rental car company provides discounts on rentals to any airlines, cruise lines, or other person, firm, or entity.
- C. The term "On-airport Rental Car Company" shall mean a rental car company who has entered into a concession and lease agreement with the City to rent automobiles to airport customers from the airport premises.
- D. The term "Rental Car Transaction Day" shall mean a twenty-four (24) hour period, or fraction thereof, for which an airport customer is provided the use of a rental motor vehicle for compensation regardless of the duration or length of the rental term. However, if the same rental motor vehicle is rented to more than one customer within one continuous twenty-four

(24) hour period, then each such rental shall be calculated as a “transaction day”. A grace period of no more than two (2) hours after the last 24-hour day booked shall not be considered a separate transaction day.

- E. All CFCs shall be remitted to the City no later than the 20th day of the calendar month following their collection (or the first business day thereafter if the 20th day is not a business day) and all collection, handling and remittance of CFCs shall comply with the provisions of the Concession Agreements for the rental car companies.
- F. Each rental car company collecting CFCs shall file monthly reports with the Airport providing an accounting of funds collected and funds remitted. The following requirements shall apply to such reports:
 - 1) Reports shall include the total CFC revenue collected, the total CFC revenue refunded to airport customers, and the dates and amounts of each remittance for the month.
 - 2) Reports shall be filed on or before the 20th day of the calendar month following the calendar month for which funds were collected.
- G. Each on-airport rental car company collecting CFCs shall comply with any record keeping and auditing requirements of the Concession Agreement.