

are accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Sandra Johnston, Program Analyst, Office of Financial Assistance, Small Business Administration, 409 3rd Street, 7th Floor, Washington, DC 20416.

**FOR FURTHER INFORMATION CONTACT:** Sandra Johnston, Program Analyst, 202-205-7528, [Sandra.johnston@sba.gov](mailto:Sandra.johnston@sba.gov)  
Curtis B. Rich, Management Analyst, 202-205-7030, [curtis.rich@sba.gov](mailto:curtis.rich@sba.gov).

**SUPPLEMENTARY INFORMATION:** The servicing agent agreement is executed by the borrower, certified development company and the loan servicing agent. The agreement is primarily used to certify use of loan proceeds, appoint a servicing agent and acknowledge the imposition of various fees.

*Title:* "Servicing Agent Agreement".  
*Description of Respondents:* Certified Development Companies and SBA Borrowers.

*Form Number:* N/A.  
*Annual Responses:* 7,830.  
*Annual Burden:* 7,830.

**Jacqueline White,**

*Chief, Administrative Information Branch.*

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**BILLING CODE :** P

## SMALL BUSINESS ADMINISTRATION

[License No. 03/03-0247]

### Solutions Capital I, L.P.; Notice Seeking Exemption Under the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that Solutions Capital I, L.P., 1100 Wilson Blvd., Suite 3000, Arlington, VA 22209, a Federal Licensee under the Small Business Investment Act of 1958, as amended ("the Act"), in connection with the financing of a small concern, has sought an exemption under § 312 of the Act and § 107.730, Financings which constitute conflicts of interest, of the Small Business Administration Rules and Regulations (13 CFR 107). Solutions Capital I, L.P., proposes to acquire debt financing from MCG Capital Corporation in Advanced Sleep Concepts, Inc., 195 Chatillon Road NE., Rome, GA, 30162. The financing is contemplated to provide growth capital for the company.

The financing is brought within the purview of § 107.730(a) of the Regulations because MCG Capital Corporation, an Associate of Solutions Capital I, L.P., has a greater than 10% equity interest in Advanced Sleep Concepts, Inc., thereby making Advanced Sleep Concepts, Inc., an

Associate of Solutions Capital I, L.P., as defined in § 107.50 of the Regulations.

Notice is hereby given that any interested person may submit written comments on the transaction to the Associate Administrator for Investment, U.S. Small Business Administration, 409 Third Street SW., Washington, DC 20416.

**Sean J. Greene,**

*Associate Administrator for Investment and Innovation.*

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**BILLING CODE P**

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### Additional Guidance on Airfare/Air Tour Price Advertisements

**AGENCY:** Office of the Secretary, Department of Transportation.

**ACTION:** Notice providing additional guidance on airfare/air tour price advertisements.

**SUMMARY:** The Department is publishing the following notice providing additional guidance on airfare/air tour price advertisements.

**FOR FURTHER INFORMATION CONTACT:** Nicholas Lowry, Attorney, Office of Aviation Enforcement and Proceedings (C-70), 1200 New Jersey Ave. SE., Washington, DC 20590, (202) 366-9349.

#### Additional Guidance on Airfare/Air Tour Price Advertisements

This notice provides additional guidance to airlines and ticket agents that market prices for air transportation, air tours, or tour components in connection with air transportation regarding the full fare advertising rule. It describes several airline and ticket agent practices that the Office of Aviation Enforcement and Proceedings (Enforcement Office) considers to violate section 399.84 and/or to be unfair and deceptive and/or an unfair method of competition in violation of 49 U.S.C. 41712. The purpose of this notice is to urge voluntary compliance by airlines and ticket agents and to announce the office's intention to pursue enforcement action where it discovers such practices, as appropriate.

#### Separate Listing of Taxes and Carrier Fees

If a vendor chooses to make available information regarding the amount of taxes and/or fees that are included in the full fare, the disclosure must accurately distinguish between taxes and government fees on the one hand

and carrier-imposed fees on the other. In addition, with respect to information about carrier-imposed fees included in the full fare, such disclosure must accurately represent the actual cost of the item for which the charge is assessed and must not otherwise be deceptive.

Under past policy that expired on January 25, 2012, fare advertisements were permitted to state, separately from the base fare, government fees and charges that were not *ad valorem* in nature. Carrier-imposed charges, such as fuel or security surcharges, had to be included in the base fare initially presented to consumers on Web site displays, but carriers were allowed to break out these charges, along with all government taxes and fees, in subsequent screens or through pop-ups or hyperlinks. We have found, in reviewing airline Web sites, that many Web sites which detailed additional fees labeled all additional charges, government and carrier-imposed, as taxes when in fact carrier-imposed fees were often the major portion of these fees. Such displays were deceptive and in violation of section 41712.

The Department's new consumer rule, "Enhancing Airline Passenger Protections," 76 FR 23110 (Apr. 25, 2011), requires, among other things, that the first price quote presented must be the full price, including all taxes, fees and all carrier surcharges. This full price provision became effective January 26, 2012. In response to concerns expressed by carriers, the Department made clear in the preamble to the rule that advertisers are free to advise the public in price solicitations about government taxes and fees as well as carrier- or agent-imposed fees that are included within the single total price, so long as that notice is not deceptive. For example, as we explained in the final rule, sellers of air transportation may have pop-ups or links adjacent to an advertised price to take the consumer to a listing of such charges, or they may display these charges on the same page in a less prominent manner than the total price if they prefer.<sup>1</sup> In particular, the Department noted that any such charges must be displayed on a per-passenger basis, accurately reflect the actual costs of the service covered, and not otherwise be deceptive. (14 CFR 399.84, 76 FR 23110, 23143). When a cost component is described as a fuel surcharge, for example, that amount

<sup>1</sup> See also Office of Aviation Enforcement and Proceedings, DOT, Answers to Frequently Asked Questions, at 22 (Aug 19, 2011, revised Sept. 6, 2011, and Oct 19, 2011), available at [http://airconsumer.ost.dot.gov/rules/EAPP\\_22\\_FAQ\\_10-19-2011.pdf](http://airconsumer.ost.dot.gov/rules/EAPP_22_FAQ_10-19-2011.pdf).