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Southwest Makes It Harder to Jump the Line --- Airline Tries to Shut Down Web Sites That Help Fliers Beat Stampede for Good Seats

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GETTING THE BEST SEATS on Southwest Airlines flights has always required extra effort. And Southwest is trying to keep it that way.

In the past year, nearly a dozen Web sites have sprung up to appeal to travelers frustrated with Southwest's unique open-seating policy: Those who check in first, up to 24 hours before departure, get to board first, crucial on an airline without reserved seating. For up to \$5.95 per flight -- some are free -- the Web services offer to check in for passengers right at the 24-hour mark, saving them the trouble.

But in the past few months, citing complaints from customers that it was getting harder to board in the first group, Southwest has contacted the sites one by one and demanded that they shut down. Some have done so, while others are still trying to negotiate with Southwest. Late last month, Southwest sued BoardFirst LLC, which had declined to cease operations, in federal district court in Dallas, charging fraud, unfair competition and trademark infringement, among other things.

The dust-up cuts to the heart of one of Southwest's biggest weaknesses: Many fliers hate the carrier's boarding process. The issue has become a more sensitive one for Southwest as demand for flying has increased, packing planes with passengers. With a full plane, as many as a third of the airline's passengers get stuck in a middle seat and may have trouble getting their wheelie bags in the overhead bins. On Southwest, waiting until you get to the airport to check in puts you at a much higher risk of being in the last group to board.

Dick Gordon, a Baltimore sports agent, steered clear of Southwest until BoardFirst came along. Now, he takes about 80% of his flights on the airline. Last weekend, he says, he was traveling without his laptop and didn't have time to go online to get a boarding pass. BoardFirst took care of it, and he wound up in his customary aisle seat. "If Southwest takes this away from us, I'd really have to give some thought as to whether I'd want to fly the airline again," he says.

Competitors, sensing vulnerability, have pummeled Southwest over its boarding procedures. Southwest started service at Denver International Airport in January. To welcome it, hometown discount carrier Frontier Airlines ran ads gleefully hyping its own assigned seating. Radio spots contained the distinct sound of mooing in the background as the voiceover noted that "Some airlines have you line up and [clamber] aboard like cows . . . Pretty sad, huh?"

Southwest spokeswoman Brandy King said Southwest started getting complaints from customers who were finding it more difficult to board in group A -- the first group to board -- because online services were snapping the "A" passes up for their own customers. "In a way, we're losing control of our own inventory," Ms. King said. "As the popularity of these Web sites increases, our customers are losing access. They're afraid they'll be forced to pay for an A pass as they increase in popularity."

"I have a real hard time believing that," says Harry Souvall, the Windsor, Colo., lawyer who represents [apassonly.com](#), one of the Web sites contacted by Southwest that is not taking any new service orders. There are about 45 A passes on each flight, and Southwest says it gives out roughly 140,000 of them each day. There were never more than a dozen or so sites in operation; some claimed to secure a few

hundred A passes a day at their peak, while some checked in just a handful of customers. "I just think Southwest is hooked on this grand democracy-in-the-skies thing," says Mr. Souvall. "But I don't know who that makes happy. I don't know of any travelers that like the pass system and standing in line."

Eric Biven, proprietor of alineonline.com, which is still up and running, says he made Southwest a settlement offer: They could buy the software that runs his site and then he would sign a noncompete agreement with the airline. Southwest says it has no plans to offer a comparable service to its customers to make it easier for them to secure boarding passes.

Why not just give passengers assigned seats? Southwest has said it continues to examine the possibility, but it hasn't decided whether the majority of its customers would prefer the change. In any case, Southwest's reservation system doesn't yet allow for seat assignments, though it is now possible to check in remotely with any Web-enabled mobile device. While the airline is currently updating its reservation system, it won't be capable of seat assignments for another two years.

Until then, boardfirst.com hopes to continue offering its service. Kate Bell, BoardFirst's founder, says the suit is without merit. She notes that her Web site checks people in with their consent, that she's one of just two full-time employees at this Southwest "competitor" and that her site makes it clear that it's not affiliated with Southwest.

Southwest.com's term-and-conditions document bars any third party from accessing the site to check in for a passenger. Southwest's Ms. King said that prohibition applies only to third parties accessing the Web site as part of a commercial enterprise, and it doesn't forbid spouses or others that passengers entrust to check in on their behalf. The terms and conditions, however, don't make that distinction clear. Ms. King acknowledged that this could be confusing. "We're working to get our hands around that," she said.

Southwest actually shrugged off the boarding-pass Web sites when they first appeared. Most required customers to provide a name and reservation confirmation number, and Southwest spokespeople cautioned customers against giving out their flight information to third parties, but the airline did little more.

In December, BoardFirst co-founder Ms. Bell says she introduced herself to Southwest co-founder Herb Kelleher at a luncheon in Phoenix, Ariz. Mr. Kelleher, according to Ms. Bell, gave her a hug and congratulated her on the attention her site had received. Two weeks later, she got her first cease-and-desist letter from the airline.

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