

# United States Senate

WASHINGTON, DC 20510

January 22, 2025

Ted Christie  
President and Chief Executive Officer  
Spirit Airlines

Barry Biffle  
Chief Executive Officer  
Frontier Airlines

CC: David Evans  
Chief Executive Officer  
Navitaire

Dear Mr. Christie and Mr. Biffle,

We write to you with questions regarding your airlines' fee practices following your executives' December 2024 testimony before the Senate Permanent Subcommittee on Investigations. In that hearing, we asked your executives to explain your apparent practice of using customers' personal information to charge different seat fees to passengers on the same flight, despite these passengers having booked the same type of fare. In our view, your executives' responses were evasive, vague, and require significant clarification.

Your lack of transparency raises concerns that your airlines use customers' personal information to manipulate seat pricing. This practice could lead to passengers on the same flight being charged different prices for the same seat type based on their personal characteristics. Although you stated that your airlines do not use "personally identifiable information" to determine prices, this explanation is inadequate without clarifying what qualifies as "personally identifiable information" and what other consumer data may influence your pricing. For example, non-personally identifiable data—such as ZIP codes, browser cookies, location information, or search history—may be used to influence pricing, potentially through your contracts with the software company Navitaire.

When asked, under oath, to explain why your airlines collect personal information before revealing seat fees, your executives evaded the question and failed to provide a clear explanation. For example, Senator Hassan asked Mr. Schroeter, of Frontier Airlines, why his airline requires customers to provide personal information before revealing seat fees. Mr. Schroeter did not answer the question, instead stating that a link on Frontier's website lists "quite a few of the fees." However, the Frontier website's fee list excludes seat fees. Senator Hawley asked both Mr. Klein, of Spirit Airlines, and Mr. Schroeter "why do you make people enter in their age, and their geographic location, and their gender before they can even see the cost of a seat?" Neither Mr. Klein nor Mr. Schroeter provided a specific reason for this requirement.

Additionally, neither Mr. Klein nor Mr. Schroeter would commit to ending the practice of requiring personal information before revealing seat prices. In the hearing, Senator Hassan asked Mr. Klein if he would commit to stop asking for personal information before revealing fees. Mr. Klein replied that “I cannot commit to that today.” In response to the same question, Mr. Schroeter said that “we will review and look at what is the best customer experience for folks, and do what that – look at what that is.”

As Senator Blumenthal said at the Subcommittee’s December 4 hearing, “There is bipartisan frustration and even fury about the current practices... They simply won’t fly anymore because they conflict with the reality of what our constituents see in their everyday lives and what they consider fair, including the use of personal information to set fees or fares that differ one to another, same flight, same time, different people, different fees or fares.”

Congress, along with the American people, deserve answers to the following questions. Please provide your written responses no later than February 24, 2025:

1. Will you commit, as your executives refused to do in the hearing, to not requiring personal information before providing customers with seat prices? If yes, by when will you do this? If not, please explain your continued refusal.
2. Why do you currently require customers to provide personal information before disclosing seat fees?
3. What types of customer information is used in your seat pricing algorithm, and why are those pieces of information needed to provide customers with seat prices?
4. Did your company direct Navitaire to collect that data and use it in your pricing algorithm?
5. What safeguards, if any, are in place to ensure that customers do not face seat price discrimination based on information that they provide while booking a flight?
6. How much would it cost your company, and how long would it take, to change your purchasing pathways to ensure that customers see seat fees prior to providing your company with their personal information?

We urge you to immediately end the practice of collecting customer information before providing pricing for seat fees. This practice undermines consumer confidence, reduces competition, and prevents customers from accurately comparing prices. Updating your systems is an important first step to restore trust in your business practices for both Congress and the American people.

We look forward to your prompt responses.

Sincerely,

*Maggie Hassan*

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Margaret Wood Hassan  
United States Senator

*Josh Hawley*

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Josh Hawley  
United States Senator

*Richard Blumenthal*

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Richard Blumenthal  
United States Senator