



UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.

1999 U.S.-Italy Combination Service Case

Docket OST-98-4854

Served: February 26, 1999

NOTICE SHORTENING ANSWER PERIOD

On February 25, 1999, Delta Air Lines, Inc. filed an emergency motion for *pendente lite* authority in the above-captioned case and requests the Department to shorten the answer date to its request. Under the Department's regulations (14 CFR 302.18) answers to this request would normally be due March 8, 1999. Delta requests that the Department require answers to be filed no later than two business days from issuance of a notice shortening the answer period.

By Order 99-2-27 the Department tentatively selected Delta to provide nonstop service between Atlanta and Rome. Delta requests immediate issuance of *pendente lite* authority to enable Delta to commence the sale and marketing of Atlanta-Rome nonstop service. Delta maintains that special circumstances warrant the issuance of *pendente lite* authority, saying that awaiting issuance of a final decision in this case would place Delta at a competitive disadvantage because other U.S.-Italy carriers are currently selling their peak travel season U.S.-Italy services.

After careful consideration, we have decided to grant Delta's request for a shortened answer period and will require that answers to its motion be filed by March 2. Taking into consideration all of the circumstances of this case, we believe that the procedural schedule established here provides a sufficient opportunity for responsive pleadings and properly balances the needs of all interested parties, while still enabling the Department to act promptly on Delta's request.

Therefore, acting under authority assigned in 14 CFR 385.3, we modify the procedural schedule for responsive pleadings to Delta's request, and require that answers to the request be filed no later than March 2, 1999, and that replies to answers be filed no later than March 3, 1999.

We will serve this notice by facsimile on all parties to this proceeding.

By:

PAUL L. GRETCH
Director, Office of
International Aviation

(SEAL)

Dated: February 26, 1999

*An electronic version of this notice is available on the World Wide Web at
http://dms.dot.gov/reports/reports_aviation.asp*