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

Issued by the Department of Transportation on January 27, 1999

NOTICE OF ACTION TAKEN -- DOCKET OST 97-3289 and Undocketed

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Joint Application of DELTA AIR LINES, INC. and AEROVIAS DE MEXICO, S.A. de C.V. (AEROMEXICO), filed 9/11/98 AND 9/15/98 for:

XX Statement of Authorization for Delta under Part 212 to:

Permit Delta to display Aeromexico's airline code on flights operated by Delta between Atlanta, on the one hand, and Boston, Charlotte, Chicago, Cincinnati, Detroit, Raleigh/Durham, Greensboro, Nashville, New York, Newark, Philadelphia, and Washington, D.C., on the other, for the carriage of Aeromexico's traffic moving between Monterrey, Mexico, and the 12 named points beyond Atlanta.

Applicant rep: Robert E. Cohn (202) 663-8060 DOT Analyst: Linda L. Lundell (202) 366-2336

DISPOSITION

XX **Granted (See Remarks)**

The above action was effective when taken: January 27, 1999, through January 27, 2000

**Action taken by: Paul L. Gretch, Director
Office of International Aviation**

XX **The authority granted is consistent with the January 26, 1999 ad referendum agreement between the United States and Mexico.**

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:

XX **Holder's certificate of public convenience and necessity**

Remarks: By Order 98-12-23, we granted Delta the authority requested through January 31, 1999, and deferred on the balance of the carrier's request while we pursued a more liberal code-share regime with Mexico. On January 26, 1999, the United States and Mexico signed an ad referendum agreement on bilateral code-share services that significantly expands the operations that can be conducted, including the beyond-gateway code-sharing services at issue here. In these circumstances, we determined that the granted extension of Delta's statement of authorization for the beyond-Atlanta code-share services was in the public interest. We also note that Aeromexico holds the necessary underlying authority to engage in the proposed code-share services (see Order 98-12-23).

(See Reverse)

* Corrected to reflect the proper date of the agreement as January 26, 1999, rather than 1998.

Conditions: The statement of authorization granted is subject to the same conditions included in ordering paragraph 6 of Order 98-12-23.

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) immediate action was required and was consistent with Department policy; and (2) grant of the authority was consistent with the public interest. To the extent not granted, we defer action on the remaining requests in this Docket.¹ We may amend, modify, or revoke the authority granted in this Notice at any time without hearing at our discretion.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within ten (10) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

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

¹ We noted in Order 98-12-23 that we continued to defer action on the applicants' joint request for blanket code-share authority in the U.S.-Mexico market.