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UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, DC

Served: August 25, 2000

United States-France Frequency Allocation Proceeding

Docket OST-2000-7628 - 27

NOTICE

By this notice, we (1) shorten the answer period to United's motion to withdraw its application for U.S.-France frequencies in the captioned proceeding; and (2) grant immediate access to certain non-public documents in this proceeding and responsive pleadings, as described below.

MOTION TO WITHDRAW

On August 24, 2000, United Air Lines, Inc., filed a motion to withdraw its application in the *U.S.-France Frequency Allocation Proceeding* (Docket OST-2000-7628), to the extent the carrier seeks an allocation of U.S.-France frequencies. In its motion, United states that it continues to request that the Department grant it the requested designation and exemption authority to serve the New York-Paris market. Under the Department's regulations (14 CFR 302.11), answers to this motion would normally be due September 1, 2000.

In order to avoid unnecessary delays in the processing of this proceeding, we have decided to require responses to United's motion (including amendments and supplements to any currently filed applications) no later than August 30 and replies to any answers no later than September 1, 2000.

MOTION TO WITHHOLD INFORMATION FROM PUBLIC DISCLOSURE

On August 3, 2000, Delta Air Lines, Inc., filed a motion to withhold from public disclosure the unredacted version of its August 3, 2000, Reply in the captioned proceeding. Delta states that its Reply contains references to data from the Department's Origin & Destination (O&D) reports, and that in light of these references, it is required under of the Department's reporting rules and procedural regulations to submit the unredacted version of its pleading under seal, accompanied by the instant motion under Rule 12. No answers were filed to the motion.¹

In order to provide interested parties an opportunity to comment on all material in the non-public record, under conditions agreed to by the applicant and imposed by the Department in comparable instances, we will provide immediate access to all documents covered by Delta's Rule 12 motion to counsel and outside experts for interested parties who file appropriate

¹ We will rule on the merits of the Rule 12 motion by separate order.

affidavits with the Department in advance. We further find it appropriate to grant interim access to any subsequent materials filed in this docket under a Rule 12 motion to counsel and outside experts for interested parties who file appropriate affidavits with the Department in advance, unless the party filing the motion objects.

We reiterate our desire to allocate quickly the frequencies at issue in this proceeding.² We note that there is only a limited amount of material involved in the Rule 12 motion, and that reviewing these items should not be unduly burdensome for the parties. Under these circumstances, and given that the parties have had a full opportunity to comment on the applications at issue in this case, we will require that any comments to the confidential material included in Delta's August 3 reply be submitted by August 30 and that answers to those comments be filed by September 1, 2000. As we are requiring responsive pleadings to United's August 24 Motion to Withdraw on those same dates, interested parties may include comments on United's motion, as well as comments to the unredacted version of Delta's August 3 reply, in one pleading.

In light of the expedited procedural schedule, we will authorize service of answers and replies by facsimile or email. Parties should include their fax number/email address on their submissions and should indicate on their certificates of service the methods of service used.

We expect all affidavits to state, at a minimum, that (1) the affiant is counsel for an interested party or an outside independent expert providing services to such a party; (2) the affiant will use the information only for the purpose of participating in this proceeding; and (3) the affiant will disclose such information only to other persons who have filed a valid affidavit in Docket OST-2000-7628. Affiants and interested parties must understand and agree that any pleading or other filing that includes or discusses information contained in the covered documents must itself be accompanied by a Rule 12 motion requesting confidential treatment. Affidavits must be filed in Docket OST-2000-7628 with the U.S. Department of Transportation, Dockets, Room P1.-401, 400 Seventh Street, S.W., Washington, DC 20590.

Affiants having filed affidavits may examine the documents at the Department of Transportation at the Dockets location. Affiants must present a stamped copy of the affidavit filed with the Department of Transportation before examination of the documents.

We will serve copies of this notice on all parties in Docket OST-2000-7628.

By:

PAUL L. GRETCH
Director, Office of International Aviation

(SEAL)

Dated: August 25, 2000

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

² Order 2000-7-13, at 6.