

126140



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

Issued by the Department of Transportation on April 9, 2001

NOTICE OF ACTION TAKEN -- DOCKETS OST-1999-5459⁻⁵ and OST-99-5594 -5

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).

Application of Delta Air Lines, Inc. filed 03/01/2001 to:

XX Renew for two years exemptions under 49 U.S.C. §40109 to provide the following service:

Scheduled foreign air transportation of persons, property and mail between a point or points in the United States, on the one hand, and Baku, Azerbaijan; Tashkent, Uzbekistan; and Tbilisi, Georgia, on the other. Delta further requests the authority to integrate this exemption with all other Delta services authorized by existing certificate and exemption authority granted by the Department, to the extent permitted by international agreements.

Delta originally provided service to Baku and Tbilisi on a third-country code-share basis with Austrian Airlines, but that arrangement has been discontinued. Delta seeks renewal of this exemption authority to provide it with the flexibility to resume or commence service with its own aircraft or in conjunction with its code-share carriers, as market conditions warrant.

Applicant rep: Robert E. Cohn (202) 663-8060

DOT Analyst: Michael D. Bodman (202) 366-9667

DISPOSITION

XX Granted, subject to conditions (see below).

The above action was effective when taken: April 9, 2001, through April 9, 2003, or until 90 days after Department action on Delta's corresponding application for certificate authority in Docket OST-99-6246.

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

XX The authority granted is consistent with the aviation agreement between the United States and Uzbekistan and with the overall state of aviation relations between the United States and Georgia and the United States and Azerbaijan.

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

XX Holder's certificates of public convenience and necessity

XX Standard Exemption Conditions (attached)

XX Statements of Authorization authorizing Delta/foreign carrier code-share operations, and conditions therein.

Conditions: The route integration authority granted is subject to the condition that such operations are consistent with the applicable bilateral aviation agreements. Furthermore, (a) nothing in the award of the route integration authority requested should be construed as conferring upon Delta additional rights (including fifth-freedom intermediate and/or beyond rights) to serve markets where U.S. carrier entry is limited unless Delta first notifies the Department of its intent to serve such a market and unless and until the Department has completed any necessary carrier selection procedures to determine which carrier(s) should be authorized to exercise such rights; and (b) should there be a request by any carrier to use the limited-entry route rights that are included in Delta's authority by virtue of the route integration authority granted here, but not being used, the holding of such authority by route integration will not be considered as providing any preference for Delta in a competitive carrier selection proceeding to determine which carrier(s) should be entitled to use the authority at issue.

On the basis of data officially noticeable under Rule 24(g) of the Department's regulations, we found the applicant qualified to provide the services authorized.

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) our action was consistent with Department policy; (2) grant of the exemption was consistent with the public interest; and (3) grant of the authority would not constitute a major regulatory action under the Energy Policy and Conservation Act of 1975. To the extent not granted, we denied all requests in the referenced Docket. 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 order is available on the World Wide Web at
http://dms.dot.gov/reports/reports_aviation.asp*

U.S. CARRIER
Standard Exemption Conditions

In the conduct of operations authorized by the attached notice, the applicant(s) shall:

- (1) Hold at all times effective operating authority from the government of each country served;
- (2) Comply with applicable requirements concerning oversales contained in 14 CFR 250 (for scheduled operations, if authorized);
- (3) Comply with the requirements for reporting data contained in 14 CFR 241;
- (4) Comply with requirements for minimum insurance coverage, and for certifying that coverage to the Department, contained in 14 CFR 205;
- (5) Except as specifically exempted or otherwise provided for in a Department Order, comply with the requirements of 14 CFR 203, concerning waiver of Warsaw Convention liability limits and defenses;
- (6) Comply with the applicable requirements of the Federal Aviation Administration Regulations, including all FAA requirements concerning security; and
- (7) Comply with such other reasonable terms, conditions, and limitations required by the public interest as may be prescribed by the Department of Transportation, with all applicable orders and regulations of other U.S. agencies and courts, and with all applicable laws of the United States.

The authority granted shall be effective only during the period when the holder is in compliance with the conditions imposed above.