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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 10, 2002**

NOTICE OF ACTION TAKEN -- DOCKET OST-2000-6816 - 7

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 **12/11/01**, for:

XX Renewal of exemption for two years under 49 U.S.C. 40109 to provide the following service:

Scheduled foreign air transportation of persons, property, and mail between Chicago, Illinois, and Mexico City, Mexico, and to combine this exemption authority with all of Delta's existing certificate and exemption authority, consistent with applicable international agreements.¹ Delta states that it provides service on this route under a code-share arrangement with Aerovias de Mexico, S.A., de C.V. (Aeromexico), whereby Delta places its code on flights operated by Aeromexico in the market.²

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

DISPOSITION

XX **Granted (subject to conditions, see below; see also remarks, below)**

The exemption authority granted to Delta was effective when taken: **January 10 2002**, through **January 10, 2004**, or until 90 days after final Department action on a corresponding certificate application, whichever occurs earlier.

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 Mexico.**

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

XX **Delta's certificates of public convenience and necessity**

XX **Standard Exemption Conditions (attached)**

(See next page)

¹ Delta does not seek to renew its Los Angeles-Guaymas authority originally granted in this docket (see Notice of Action Taken dated February 9, 2000), since Aeromexico is no longer serving the market.

² Aeromexico holds exemption authority to serve the Chicago-Mexico City route (see Notice of Action Taken dated January 22, 2001), in Docket OST-2000-6816.

Conditions: The U.S.-Mexico exemption authority granted to Delta is subject to the dormancy notice requirements set forth in condition 7 of Appendix A of Order 88-10-2. In addition, the exemption authority granted is limited to services provided on a code-share basis only.

The route integration authority granted to Delta is subject to the condition that any service provided under this exemption shall be consistent with all applicable agreements between the United States and the foreign countries involved. Furthermore, (a) nothing in the award of the route integration authority requested should be construed as conferring upon Delta rights (including fifth-freedom intermediate and/or beyond rights) to serve markets where U.S. carrier entry is limited unless Delta 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 exemption granted here, but that are not then being used by Delta, 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 application 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 document is available on the World Wide Web at:
http://dms.dot.gov/reports/reports_aviation.asp*

APPENDIX A

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 Part 203, concerning waiver of Warsaw Convention liability limits and defenses;
- (6) Comply with the applicable requirements of the Federal Aviation Administration (FAA), 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.