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

Issued by the Department of Transportation on March 22, 2002

NOTICE OF ACTION TAKEN – DOCKET OST-2002-11627 - 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 02/19/2002 for:

**XX Temporary indefinite allocation of four weekly U.S.-Brazil service frequencies for continuation, beyond March 31, 2002, of its Atlanta-Rio de Janeiro services.**

In support of its application, Delta argues that the other authorized U.S.-Brazil carriers (American, Continental, and United) all have unused frequencies, which would allow the Department to fund Delta's request for a temporary indefinite allocation of U.S.-Brazil frequencies. Delta further states that the Department should grant Delta's request from an unspecified source, so that its Atlanta-Rio de Janeiro services will not be subject to recall until the last frequencies are exhausted from among the many sources of available unused frequencies.

American, Continental, and the Georgia and Atlanta Civic Parties (the State of Georgia, the City of Atlanta, Atlanta Hartsfield International Airport, and the Metro Atlanta Chamber of Commerce) filed answers to Delta's application. Delta filed a reply.

United Air Lines filed a response.<sup>1</sup>

Applicant rep: Robert E. Cohn (202) 663-8060 DOT Analyst: Michael D. Bodman (202) 366-9667

**DISPOSITION**

**XX** Granted through April 30, 2002 (see remarks below).

**XX** Balance deferred (see remarks below).

The above interim action with respect to Delta's temporary frequency allocation was effective when taken: March 22, 2002, through April 30, 2002.

The above action deferring action on the balance of the application was effective when taken: March 22, 2002.

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

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**

**Remarks:** Delta's temporary frequency allocation expires March 31, 2002. The Department may not be able to complete its decision on the merits of Delta's request in this docket before expiration of the current frequency allocation. Accordingly, for procedural reasons, we have granted a limited temporary extension of Delta's temporary frequency

<sup>1</sup>United's response was accompanied by a motion for leave to file an otherwise unauthorized document. We grant the motion.

allocation to maintain the *status quo* and ensure that Delta's authority remains in effect pending final Department action on Delta's application.

The frequency allocation is subject to the same conditions set forth in Notice of Action Taken on November 2, 2001, in Docket OST-2001-10782, awarding Delta its temporary U.S.-Brazil frequency allocation.

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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 authority 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 or deferred, 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 seven (7) 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](http://dms.dot.gov/reports/reports_aviation.asp)*