

BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.

Application of :
 :
COMPAGNIE NATIONALE AIR FRANCE :
 : **Docket OST-98-**
for exemption pursuant to :
49 U.S.C. §40109(c) :
(ATLANTA) :

APPLICATION OF AIR FRANCE FOR EXEMPTION

Communications in response to this document should be sent to:

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NOTICE: *Air France is requesting expedited action and requests that any written response hereto be filed and served by end of business on Friday, April 10, 1998. Service of this application is being made by FAX on Thursday, April 9, 1998. Air France will be polling carriers on the Service List.*

April 10, 1998

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Air France hereby respectfully applies for an exemption from the provisions of 49 U.S.C. §41301 and Department of Transportation regulations thereunder, to operate service to Atlanta, Georgia, pursuant to the new bilateral air transport agreement which was initialed and which was memorialized on April 8, 1998 by an executed Memorandum of Consultations ("MOC").

Air France urgently requests the most expedited action on this application, in view of the short time in which it must prepare for, advertise, implement CRS displays, accept reservations for and start its new service. The MOC, in fact, provides that:

17. The delegations represented the intentions of their governments' aeronautical authorities to permit immediately, on the basis of comity and reciprocity, operations consistent with the terms of the new Agreement In addition, both delegations represented the intentions of their authorities, upon signature of this MOC, to approve as expeditiously as possible requests ... for operating authority for any new trans-Atlantic route opportunities to be operated consistent with the new Agreement ... for the Summer 1998 season so as to allow the carriers to advertise and sell the services referred to in this paragraph.

Thus, this application of Air France is directly supported by the above-quoted language which authorizes the Department to act on it in the most expeditious manner.

Attached hereto as Appendix A is a start up schedule for Atlanta service. Authorization by the Department and operation of the service will be consistent with the public interest, as required by 49 U.S.C. §40109(c). The new bilateral air transport agreement between France and the United States has been negotiated over a long period of time. During that time, the services of Air France have been operated solely pursuant to the Administrative Procedure Act.^{1/} Now that there is a bilateral, Air France must begin to operate under its provisions, one of which is the opening of a new point, Atlanta.

The public will receive its first Air France scheduled service between France and Atlanta, in June of 1998, if the Department grants this application. It is important to both France and the United States that such service begin on schedule and that Air France have sufficient time to prepare for the service. It is because of the significant lead time necessary for a new transatlantic service, that this application must, consistent with the public interest, be granted on a most expeditious basis, as provided for in the MOC.

WHEREFORE, Air France respectfully applies for an exemption to operate to Atlanta, pursuant to the new bilateral and requests that action granting this application be taken no later than next week, and for such other, different relief, consistent herewith, as the Department may deem appropriate.

Respectfully submitted,

/s/ V. Michael Straus

V. Michael Straus
Counsel for Air France

Washington, D.C.
April 10, 1998

^{1/} Air France filed applications shortly before the expiration of the old bilateral, to obtain post-bilateral authority to serve its then-current markets. The Administrative Procedure Act, 5 U.S.C. §558(c) and Part 377 of the Department's regulations thereunder, subsequently afforded Air France the authority to continue operations although the expiration of the bilateral otherwise would have caused the expiration of all of Air France's licenses which were granted prior to that time by the Department. Air France has requested, separately, action on the exemption application which has been pending since that date (April 27, 1993, OST-95-595).