

**BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.**

Application of)	
DELTA AIR LINES, INC.)	
under 49 U.S.C. §§ 41102 and 41108 for Renewal of a Certificate of Public Convenience and Necessity (Atlanta-Mexico City; Dallas/Ft. Worth-Mexico City))	Docket OST-99-

**APPLICATION OF DELTA AIR LINES, INC.
FOR RENEWAL OF A CERTIFICATE
OF PUBLIC CONVENIENCE AND NECESSITY
(ROUTE 562, SEGMENTS 1 AND 2)**

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June 18, 1999

NOTICE: Delta Air Lines, Inc. requests that this application be processed by non-hearing procedures pursuant to Subpart Q, 14 C.F.R. § 302.1750(a)(4). Any person who wishes to support or oppose this application must file an answer by July 7, 1999, and must serve that answer on Delta Air Lines, Inc., and all persons served with this application.

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DELTA AIR LINES, INC.)	
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**APPLICATION OF DELTA AIR LINES, INC.
FOR RENEWAL OF A CERTIFICATE
OF PUBLIC CONVENIENCE AND NECESSITY
(ROUTE 562, SEGMENTS 1 AND 2)**

Delta Air Lines, Inc. ("Delta"), pursuant to 49 U.S.C. §§ 41102 and 41108, 14 C.F.R. Part 377, Part 201 of the Department's Economic Regulations, and Subpart Q of the Department's Procedural Regulations, hereby applies for renewal of its Certificate of Public Convenience and Necessity for Route 562, segments 1 and 2, which authorizes Delta to provide scheduled foreign air transportation of persons, property and mail between the terminal

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point Atlanta, Georgia, and the terminal point Mexico City, Mexico (segment 1); and between the terminal point Dallas/Ft. Worth, Texas, and the terminal point Mexico City, Mexico (segment 2). Delta's certificate for Route 562 was most recently reissued by Order 98-8-18. The authority for segments 1 and 2 expires on December 16, 1999. Delta requests renewal of this certificate authority for a five year duration.

Delta hereby invokes the automatic extension provisions of the Administrative Procedure Act, 5 U.S.C. § 558(c), as implemented by 14 C.F.R. Part 377, to continue its authority in effect pending final Department action on this application. This application is timely under § 377.10(c)(1) since it is filed more than 180 days in advance of the expiration date.

In support of this application, Delta states the following:

1. Applicant. Delta is a corporation organized and existing under and pursuant to the laws of the State of Delaware. Delta's general offices are located at 1030 Delta Boulevard, Hartsfield Atlanta International Airport, Atlanta, Georgia 30320-6001.

2. U.S. Citizen. Delta is a citizen of the United States, as defined by 49 U.S.C. § 40102(a)(15)(C). Delta has determined by reasonable investigation that its President and more than two-thirds of its directors and managing officers are

citizens of the United States, and that at least seventy-five percent (75%) of its voting interest is owned and controlled by persons who are citizens of the United States. Delta is prepared to furnish such evidence, by affidavit or otherwise, as the Department may require to establish the facts set forth above.

3. Fitness. Delta holds various certificates of public convenience and necessity and exemption authority authorizing it to engage in scheduled air transportation of persons, property and mail on various domestic and international routes. Delta is fit, willing and able to continue to perform all of its existing services. Delta requests that the Department take official notice pursuant to Rule 24 of the Department's Rules of Practice of all data on file with the Department necessary to establish Delta's fitness.

4. Renewal Authority Requested. Delta hereby applies for renewal of its certificate for Route 562, segments 1 and 2, authorizing Delta to continue to serve the Atlanta-Mexico City and Dallas/Ft Worth-Mexico City routes. The certificate authority for the Atlanta-Mexico City route was most recently renewed by Order 98-8-18; the certificate authority for the Dallas/Ft Worth-Mexico City route was renewed by the same Order. Delta's authority to serve these three route segments was made effective through December 16, 1999.

5. Service Proposal. Delta has been providing service in the Atlanta-Mexico City market since 1989. Delta currently provides this service using a Boeing 757 aircraft that it both operates on its own and on a code-share/blocked-space arrangement it with Aeromexico. In addition to utilizing a Boeing 757, a McDonnell Douglas MD-88 aircraft is used for one of Delta's code-share/block-share arrangement flights.

Delta currently provides roundtrip service between Dallas/Ft. Worth, on the one hand, and Mexico City, on the other hand, on a code-share/blocked-space arrangement with Aeromexico. For this routing, Delta utilizes a McDonnell Douglas DC-9 aircraft.

6. Fuel. Delta requests, to the extent necessary, a waiver of the requirement to provide fuel consumption data and an environmental analysis with respect to its Atlanta-Mexico City and Dallas/Ft. Worth-Mexico City services. In the event that Delta resumes any of these U.S.-Mexico services utilizing its own aircraft, Delta anticipates that it will have no difficulty in obtaining adequate supplies of fuel for such operations.

7. Renewal is in the Public Interest and is Consistent with DOT Policy. Renewal of Delta's Atlanta-Mexico City and Dallas/Ft. Worth-Mexico City authority is fully consistent with the public interest, and with the Department's

policies which establish a presumption of renewal of temporary certificate authority for limited-entry international routes:

“In cases where an incumbent carrier seeks to renew an international certificate in a limited-designation market, and where that carrier has performed well, taking into account all relevant factors (including fare and/or capacity restrictions in the market that have been imposed by foreign governments or bilateral agreements), there will be a presumption that the incumbent carrier will be the best applicant to provide service during the next five years.”

51 Fed. Reg. at 43187 (December 1, 1986).

Delta has provided continuous service on both the Atlanta-Mexico City and Dallas/Ft. Worth routes since 1989, initially pursuant to exemption authority issued by Order 92-10-58, which issued an amended certificate of Delta’s Route 562. Grant of this renewal application will provide Delta with continued authority to offer convenient U.S.-Mexico services to the Atlanta and Dallas/Ft. Worth communities, as well as convenient connection alternatives to other Southern gateways to Mexico City. Moreover, renewal of Delta’s authority for each of these U.S.-Mexico routes is fully consistent with the U.S.-Mexico Bilateral Agreement.

8. Expedited Procedures. Delta requests that its Route 562, segment 1 and 2, certificate authority be renewed by simplified, nonhearing procedures. Given the presumption in favor of renewal and the circumstances

presented herein, nonhearing procedures are appropriate and renewed certificate authority should be issued without undue delay.

WHEREFORE, for the reasons set forth herein, Delta respectfully requests that the Department grant this application for renewal of Delta's Certificate of Public Convenience and Necessity for Route 562, segments 1 and 2, and grant such other, additional and different relief as the public convenience and necessity and public interest may require.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Application of Delta Air Lines, Inc. for Renewal of a Certificate of Public Convenience and Necessity was served this th day of June, 1999 on all persons listed on the attached service list.

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