

**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 (U.S. - Vienna - Kiev/Odessa)**

**Docket OST-2000-6831**

**APPLICATION OF DELTA AIR LINES, INC. FOR RENEWAL OF A  
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**

Communications with respect to this document should be addressed to:

**D. Scott Yohe**  
**Senior Vice President -**  
**Government Affairs**  
DELTA AIR LINES, INC.  
1275 K Street, N.W.  
Washington, D.C. 20005  
(202) 216-0700

**Robert E. Cohn**  
**Alexander Van der Bellen**  
SHAW PITTMAN  
2300 N Street, N.W.  
Washington, D.C. 20037  
(202) 663-8060  
robert.cohn@shawpittman.com

and

**John Varley**  
**Assistant General Counsel**  
DELTA AIR LINES, INC.  
Law Department #986  
1030 Delta Boulevard  
Atlanta, Georgia 30320  
(404) 715-2872

Counsel for  
**DELTA AIR LINES, INC.**

**January 27, 2000**

**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 February 24, 2000, and must serve that answer on Delta Air Lines, Inc., and all persons served with this application.

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**APPLICATION OF DELTA AIR LINES, INC. FOR RENEWAL OF A  
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**

Delta Air Lines, Inc. ("Delta") hereby applies, pursuant to 49 U.S.C. §§ 41102 and 41108, Part 201 of the Department's Economic Regulations, and Subpart Q of the Department's Procedural Regulations, for renewal of its certificate of public convenience and necessity for route 667, which authorizes Delta to engage in foreign air transportation of persons, property, and mail between a point or points in the United States; the intermediate point Vienna, Austria; and the coterminal points Kiev and Odessa, Ukraine. Delta was granted this certificate authority by Order 95-7-36 and the authority expires on July 25, 2000. Delta requests renewal of its certificate for a period of indefinite duration, or, in the alternative, not less than five years.

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In filing this renewal application, Delta hereby invokes the automatic extension provisions of the Administrative Procedure Act, 5 U.S.C. § 558(c), as implemented by Part 377 of the Department's Special Regulations, to continue its authority in effect pending final Department action on this renewal application.

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. Citizenship. 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 exemptions 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 provide such air transportation services, including any

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new or existing services that would be authorized under the Department's approval of this renewal application. 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. Authority Requested. Delta hereby applies for renewal of its certificate authority to provide foreign air transportation of persons, property, and mail between a point or points in the United States; the intermediate point Vienna, Austria; and the coterminal points Kiev and Odessa, Ukraine. This authority was first issued to Delta by Order 95-7-36 in the U.S.-Ukraine Combination Service Proceeding. Delta requests that this certificate authority be renewed indefinitely or, in the alternative, for a period of no less than five years.

Delta further requests that its renewed certificate authority continue to contain a route integration provision that allows Delta to combine services authorized by the certificate with all services authorized by other Department of Transportation certificates and exemptions, provided that such operations are consistent with applicable international agreements.

5. Service Proposal. Pursuant to its route 667 certificate authority, Delta offers third-country codeshare service to Kiev and Odessa, via Vienna, in conjunction with Austrian Airlines, Österreichische Luftverkehrs AG ("Austrian"). Delta is phasing out its codeshare alliance with Austrian and will soon replace its

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U.S.-Ukraine third-country codeshare service via Vienna with service in conjunction with Soci t  Air France (“Air France”) via Paris. Although Vienna is listed as an intermediate point on its U.S.-Ukraine certificate, Delta is authorized to operate service via Paris instead by virtue of its authority to integrate operations under the certificate with its other routes authorized by the Department, including U.S.-France.

Thus, Delta will link its transatlantic flights to and from Paris with codeshare flights operated by Air France between Paris and Kiev, thereby maintaining its online service between the United States and Ukraine. Although Air France does not operate flights to Odessa, Delta may seek to reintroduce Odessa service in the future in the event that Air France commences flights to this point from Paris. Delta therefore wishes to renew its authority to serve Odessa as a coterminal point on its certificate.

6. Fuel. Delta anticipates that it will have no difficulty obtaining adequate supplies of fuel for the operations authorized by this application. For the foreseeable future, Delta plans to serve Ukraine on a third-country codeshare basis. Therefore, the overall environmental impact resulting from the grant of this renewal application will be de minimus. To the extent any requirement may exist to perform an environmental evaluation under the Department’s procedural rules, Delta hereby requests a waiver of any such requirement.

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7. Opening Argument. Renewal of Delta's route 667 certificate authority is fully consistent with the public interest and with the Department's policies establishing a presumption favoring the 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 was selected to provide U.S.-Ukraine third-country codeshare service and was granted its route 667 certificate authority by Order 95-7-36 (U.S.-Ukraine Combination Service Proceeding). Delta is actively and successfully using its certificate award, and this authority should be promptly renewed. Renewal will allow Delta to continue to provide the public with an enhanced level of U.S.-Ukraine service alternatives, in direct competition with other U.S. and foreign carriers that serve Ukraine. Furthermore, renewal of this authority would be consistent with the U.S.-Ukraine Memorandum of Consultations dated May 16, 1997.

8. Expedited Procedures. Delta requests that this application be processed by simplified, nonhearing procedures.

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WHEREFORE, Delta Air Lines, Inc. respectfully requests that the Department grant this application for renewal of its authority to provide foreign air transportation of persons, property, and mail between a point or points in the United States; the intermediate point Vienna, Austria; and the coterminal points Kiev and Odessa, Ukraine, as described herein, and grant such other, additional and different relief as the public interest may require.

Respectfully submitted,

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**Robert E. Cohn**  
**Alexander Van der Bellen**  
SHAW PITTMAN  
2300 N Street, N.W.  
Washington, D.C. 20037  
(202) 663-8060

Counsel for  
**DELTA AIR LINES, INC.**

**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 has been served this 27th day of January, 2000, by first class mail, postage prepaid, upon all persons listed on the attached service list.

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Jonathan Echmalian

## SERVICE LIST

Carl B. Nelson, Jr.  
Associate General Counsel  
American Airlines, Inc.  
1101 17th Street, N.W., Suite 600  
Washington, D.C. 20036

Megan Rae Rosia  
Associate General Counsel  
Northwest Airlines, Inc.  
901 15th Street, N.W., Suite 310  
Washington, D.C. 20005

George Aste  
Vice President - International Affairs  
Trans World Airlines, Inc.  
900 19th Street, N.W., Suite 350  
Washington, D.C. 20006

Thomas J. White  
Acting Deputy Assistant Secretary for  
Transportation Affairs  
U.S. Department of State  
2201 C Street, N.W. Room 5830  
Washington, D.C. 20590

R. Bruce Keiner, Jr.  
Crowell & Moring  
1001 Pennsylvania Ave., N.W.  
10th Floor North  
Washington, D.C. 20004

Bruce H. Rabinovitz  
Jeffrey A. Manley  
Kirkland & Ellis  
655 Fifteenth Street, N.W.  
Washington, D.C. 20005

Stephen L. Gelband  
Hewes, Gelband, Lambert & Dann  
1000 Potomac Street, N.W., Suite 300  
Washington, D.C. 20007