

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

Applications of)	
)	
DELTA CONNECTION CARRIERS)	Docket OST-00-7131
COMAIR, INC.)	
ATLANTIC SOUTHEAST AIRLINES, INC.)	
ATLANTIC COAST JET, INC.)	
)	
For Exemptions from Subparts K and S of 14)	
C.F.R. Part 93 Pursuant to 49 U.S.C. § 41716)	
(LaGuardia Regional Jet Services))	
)	
)	

**APPLICATIONS OF DELTA CONNECTION CARRIERS
COMAIR, INC., ATLANTIC SOUTHEAST AIRLINES, INC., AND
ATLANTIC COAST JET, INC.
FOR SLOT EXEMPTIONS**

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INC.

March 24, 2000

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FOR SLOT EXEMPTIONS**

Delta Connection carriers Atlantic Southeast Airlines, Inc. ("ASA"), Comair, Inc. ("Comair"), and Atlantic Coast Jet, Inc. ("AC Jet") hereby apply for 186 slot exemptions at New York LaGuardia Airport ("LaGuardia"), pursuant to 49 U.S.C. § 41716, to provide nonstop flights between LaGuardia and the following small hub or non-hub airports:

- Albany, N.Y.
- Bangor, Maine
- Birmingham, Ala.
- Buffalo, N.Y.
- Burlington, Vt.
- Charleston, S.C.
- Columbia, S.C.

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Dayton, Ohio
Des Moines, Iowa
Grand Rapids, Mich.
Greenbriar, W. Va.
Greensboro, N.C.
Greenville/Spartanburg, S.C.
Hartford, Conn.
Hyannisport, Mass.
Knoxville, Tenn.
Lexington, Ky.
Manchester, N.H.
Martha's Vineyard, Mass.
Nantucket, Mass.
Norfolk, Va.
Portland, Maine
Providence, R.I.
Richmond, Va.
Rochester, N.Y.
Savannah, Ga.
Syracuse, N.Y.

Congress recently enacted, subject to the President's signature, the "Wendell H. Ford Aviation Investment and Reform Act for the 21st century" (the "Air 21 Act").

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Section 231(c) of the Air 21 Act creates a new section 41716 of the Transportation Code which provides that the Department "shall grant" slot exemptions to any air carrier to provide nonstop service using aircraft with a certificated maximum seating capacity of less than 71 between LaGuardia and a small hub or non-hub airport.

The applications of ASA, Comair and AC Jet are fully consistent with the criteria set forth in § 41716 and should be granted promptly to permit the carriers to implement service at the earliest opportunity.

In further support of these applications, the applicants hereby state the following:

1. The applications of Comair, ASA and AC Jet fully comply with each of the exemption criterion set forth in §41716.
 - All services will be operated using regional jet equipment with a maximum certificated seating capacity of less than 71 passengers.
 - Each of the airports that will receive nonstop service using the exemptions is a small hub or a non-hub airport as determined under the Federal Aviation Administration's Primary Airport Enplanement Activity Summary for Calendar year 1997. 49 U.S.C. § 41714(h)(8)(9).

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- None of the applicants was providing such air transportation during the week of November 1, 1999 between LaGuardia and the airports listed above, with the exception of Dayton-LaGuardia. Comair provided LaGuardia-Dayton flights during the week of November 1, 1999, but “the number of flights to be provided [by Comair under the exemptions] will exceed the number of flight provided by [Comair] between such airports during the week of November 1, 1999.” See, 49 U.S.C. § 41716(a)(1) and (2).

2. Since all of the eligibility standards have been fully met, the Department has no discretion and is required to issue a decision awarding the slot exemptions

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requested herein within 60 days or the authority will become effective automatically.¹

3. Delta has a major presence at LaGuardia Airport and the proposed operations by the Delta Connection carriers will provide important complementary enhancements to Delta's LaGuardia network from smaller communities. In promulgating the Air 21 Act, Congress recognized the important role that regional jet aircraft can offer to expand access by smaller cities to the national air transportation network and thereby enhance competition in the industry.²

WHEREFORE, Delta Connection carriers Comair, Inc., Atlantic Southeast Airways, Inc. and Atlantic Coast Jet, Inc. hereby request 186 slot exemptions from 14 C.F.R. Part 93, subparts K and S, pursuant to 49 U.S.C. § 41716, to operate nonstop roundtrip service between LaGuardia and the smaller cities listed above.

¹ The applicants recognize that Air 21 has not yet been signed into law. However, since Congress enacted the legislation on March 15, 2000, the Department should apply the provisions of the Air 21 Act, including the mandatory time periods contained therein to this application.

² There is no competing United States manufacturer for the regional jet aircraft to be operated by the applicants. Consequently, pursuant to § 41715(c)(2) the provisions of § 41715(c)(1) requiring additional showings with respect to benefits to the U.S. economy do not apply to these applications. Nevertheless, assuming arguendo that § 41715(c)(1) were to apply, these applications would provide maximum benefits to the U.S. economy by adding new U.S. job opportunities created by each air carrier, its suppliers and related activities, and by enhancing the consumer benefits of improved service and expanded competition at the effected cities in particular and in the airline industry in general.

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Respectfully submitted,

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DELTA CONNECTION LAGUARDIA SLOT EXEMPTION REQUESTS

Slot Period	Departures	Arrivals
0630 - 0659		2
0700 - 0729	1	1
0730 - 0759	1	4
0800 - 0829	5	8
0830 - 0859	7	4
0900 - 0929	5	2
0930 - 0959	1	4
1000 - 1029	4	1
1030 - 1059	2	3
1100 - 1129	1	3
1130 - 1159	4	2
1200 - 1229	3	3
1230 - 1259	2	3
1300 - 1339	2	6
1330 - 1359	6	4
1400 - 1429	3	2
1430 - 1459	4	1
1500 - 1529	3	4
1530 - 1559	4	1
1600 - 1629	1	2
1630 - 1659	2	4
1700 - 1729	2	2
1730 - 1759	4	3
1800 - 1829	1	5
1830 - 1859	5	4
1900 - 1929	5	2
1930 - 1959	2	7
2000 - 2029	6	2
2030 - 2059	3	3
2100 - 2129	2	1
2130 - 2159	2	
2200 - 2229		
2230 - 2259		
TOTAL EXEMPTIONS	93	93