

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

**Application of**

**DELTA AIR LINES, INC.**

**under 49 U.S.C. §§ 41102 and 41108 for a  
certificate of public convenience and necessity  
(Boston, Massachusetts - London, England)**

**Docket OST-2000- 7923**

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

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**September 13, 2000**

**Note:** Delta Air Lines, Inc. requests that this application be processed by non-hearing procedures pursuant to Subpart B, 14 C.F.R. §§ 302.207 and 302.210(a)(2). Any person who wishes to support or oppose this application must file an answer by October 4, 2000, and must serve that answer on Delta Air Lines, Inc., and all persons served with this application.

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**Docket OST-2000-**

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

Delta Air Lines, Inc. ("Delta") hereby applies for a certificate of public convenience and necessity, pursuant to 49 U.S.C. §§ 41102 and 41108 and Subpart B of the Department of Transportation's Procedural Regulations, authorizing Delta to provide scheduled foreign air transportation of persons, property and mail between Boston, Massachusetts, and London, England. Delta requests that the certificate issued by the Department include a route integration condition that authorizes Delta to combine service on this route with all other Delta services authorized by existing certificates and exemptions granted by the Department, to the extent permitted by applicable international agreements. Delta requests that its certificate remain in effect for a period of at least five years.

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In support of this certificate application, Delta submits the following:

1. 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. 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. Delta is fit, willing and able to provide air transportation services between Boston and London. 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. Notably, Delta has provided continuous Atlanta-London and Cincinnati-London service for several years pursuant to its certificates for

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Routes 178 and 526, respectively. Delta requests that the Department take official notice pursuant to Rule 24 of the Department's Rules of Practice of all other data on file with the Department necessary to establish Delta's fitness.

4. Delta plans to introduce new daily nonstop scheduled service between Boston and London (Gatwick) on or about June 1, 2001. Delta will operate this service using Boeing 767-300ER aircraft configured with 147 economy class and 48 business class seats, or using other suitable aircraft from Delta's fleet as market circumstances warrant. Illustrative data, including a route map, Delta's proposed schedule, and projected operating statistics, are set forth in exhibits attached hereto.

5. Projected fuel consumption data are included in the attached exhibits. Delta anticipates that it will have no difficulty obtaining adequate supplies of fuel for its proposed service between Boston and London, and that the overall environmental impact resulting from the grant of this application will be de minimus.

6. The authority sought herein is governed by and consistent with the Air Services Agreement between the Government of the United States of America and the Government of the United Kingdom of Great Britain and

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Northern Ireland, signed on July 23, 1977 ("Bermuda 2"), as amended. U.S. Route 1 of Bermuda 2 includes the Boston-London route. There remains an unused designation for the Boston-London route under the U.S.-U.K. agreement.<sup>1</sup> Accordingly, Delta requests that it be assigned the available Article 3, paragraph (5) designation immediately.<sup>2</sup>

7. Approval of this application is in the public interest. Delta proposes to provide nonstop service between Boston and London, which would add a strong new U.S.-flag competitor on the route, thereby enhancing intra-gateway competition between Boston and London and providing passengers and shippers with convenient transportation alternatives to the services offered by the carriers that currently serve the route. Moreover, the Government of the United Kingdom has previously agreed to an additional Boston-London designation under Article 3, paragraph (5), of Bermuda 2, and that valuable bilateral opportunity has been unused. Given the highly restrictive nature of Bermuda 2,

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<sup>1</sup> In 1978, Northwest Airlines, Inc. was awarded Boston-London certificate authority, and was designated to provide such service pursuant to Article 3, paragraph (5), of Bermuda 2, but that authority and designation are unused.

<sup>2</sup> Delta is submitting, concurrently with this certificate application, an application for an exemption that would allow Delta to commence service between Boston and London pending the Department's final determination on this certificate application.

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it would be in the public interest to maximize the service opportunities that are available to U.S. carriers under the agreement by assigning available designations to those carriers that are ready, willing and able to implement service. Accordingly, Delta urges the Department to designate Delta for the Boston-London (Gatwick) route without delay, and to grant this application for certificate authority as soon as possible.

8. Delta requests that the Department grant this application by proceeding directly to a final order pursuant to 14 C.F.R. § 302.210(a)(2). No other U.S. carrier has filed an application with the intent of utilizing the available Boston-London (Gatwick) designation. Thus, this application raises no material issues of fact that warrant further procedures for the Department's resolution. In the event the Department determines it is appropriate to grant Delta an experimental certificate of public convenience and necessity for the Boston-London route, Delta requests that its certificate be effective for a period of at least five years as provided by 14 C.F.R. § 399.120.

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WHEREFORE, for the foregoing reasons, Delta respectfully requests that the Department grant Delta a certificate of public convenience and necessity authorizing it to engage in scheduled foreign air transportation of persons, property and mail between Boston, Massachusetts, and London, England, as described herein, and that the Department grant such other and further relief as the Department deems to be consistent with the public interest.

Respectfully submitted,



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