



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

**September 13, 2000**

<b>Application of DELTA AIR LINES, INC. for an exemption pursuant to 49 U.S.C. § 40109 (Boston, Massachusetts – London, England)</b>	}	<b>Docket OST-2000-</b>
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**APPLICATION OF DELTA AIR LINES, INC.  
FOR AN EXEMPTION**

Delta Air Lines, Inc. ("Delta") hereby applies for an exemption from 49 U.S.C. § 41101, pursuant to 49 U.S.C. § 40109 and Subpart C 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 further requests route integration authority to permit 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 plans to begin daily nonstop service between Boston and London (Gatwick) on or about June 1, 2001, and desires to begin selling the service as

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soon as possible. In order to allow Delta adequate time to efficiently market and inaugurate its new Boston-London service, Delta respectfully requests that this exemption application be granted by no later than October 13, 2000. Delta requests that the authority remain in effect for a period of at least two years or until 90 days after the Department's final determination on Delta's application for Boston-London certificate authority, which Delta is filing concurrently with this exemption application.

In support of this application, Delta submits the following:

1. On or about June 1, 2001, Delta plans to introduce new daily nonstop scheduled service between Boston and London (Gatwick). 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.

2. Delta is fully qualified to perform the proposed services between Boston and London. Delta holds various certificates of public convenience and necessity and exemptions authorizing it to engage in scheduled air transportation

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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 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.

3. 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 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 and be granted the exemption authority requested herein so that it may commence service between Boston and London.

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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.

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4. 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, 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 approve this application and designate Delta for the Boston-London (Gatwick) route without delay.

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WHEREFORE, for the foregoing reasons, Delta respectfully requests that the Department expeditiously grant Delta an exemption authorizing it to engage in scheduled foreign air transportation of persons, property and mail between Boston, Massachusetts, and London, England, and to integrate such exemption authority with its existing route authority, 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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