

Paul



DELTA STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.

Issued by the Department of Transportation on August 22, 2002

NOTICE OF ACTION TAKEN -- DOCKETS OST-2001-10354 & 2000-6939

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Joint Motion: **Brit Air & Delta Air Lines, Inc.**

Date Filed: August 12, 2002

Relief requested: Amend Notice of Action Taken dated August 2, 2002 (NOAT), in the above-referenced dockets, to recognize that Brit Air is a wholly-owned subsidiary of Air France, and delete footnote 1 of that NOAT. ¹ The joint movants state that Brit Air has been a wholly-owned (100%) Air France subsidiary since no later than September 30, 2001, and they have submitted supporting information to this effect.

Applicant representatives: Michael Goldman (Brit Air) 202-944-3305; Robert Cohn (Delta) 202-663-8060

Responsive pleadings: None

DISPOSITION

Action: We grant the motion.

Action date: August 22, 2002

Remarks: The information provided in the joint Brit Air/Delta motion supplements the record on which we had acted in our August 2 Notice by demonstrating that Brit Air is a wholly-owned subsidiary of Air France. Based on this information, we amend the Notice of Action Taken dated August 2, 2002, in Dockets OST-2001-10354 and OST-2000-6939, by deleting footnote 1 of that Notice. ²

**Action taken by: Paul L. Gretch, Director
Office of International Aviation**

Under authority assigned by the Department in its regulations, 14 CFR Part 385.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within seven (7) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

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http://dms.dot.gov/reports/reports_aviation.asp

¹ Based on the record then before us, the footnote in question had stated that Brit Air was not a wholly-owned subsidiary of Air France.

² This means that Brit Air comes within the purview of Order 2002-1-6, which granted antitrust immunity for, *inter alia*, wholly-owned subsidiaries of Air France. In this connection, we will add the standard condition, which we routinely impose in such circumstances as this, to those already included in the August 2, 2002, Notice:

All operations conducted under the August 2, 2002, authorization must comply with the terms, conditions, and limitations of Order 2002-1-6 (Delta/Delta Connection, Air France, Alitalia and Czech Airlines antitrust immunity order) and any subsequent order(s) of the Department regarding the alliance.