



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

Issued by the Department of Transportation on February 8, 2005

NOTICE OF ACTION TAKEN -- DOCKET OST-2005-20116

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).

Application of **DELTA AIR LINES, INC.** filed 1/14/2005 for:

XX Allocation of seven U.S.-Russia combination service frequencies to provide new scheduled service between Atlanta, Georgia and Moscow, Russia.¹ Delta intends to begin daily service during the peak season beginning on June 1, 2005.

XX Waiver from 90-day dormancy condition:

Delta requests a waiver of the Department's standard dormancy condition imposed on frequency allocations to enable Delta to operate fewer than daily flights during the off-peak season.²

Applicant rep: Robert E. Cohn (202) 663-8060 DOT Analyst: Gerald Caolo (202) 366-2406

DISPOSITION

XX **Granted (subject to conditions, see below)**

The frequency allocation and waiver of the dormancy condition was effective when taken: **February 8, 2005**, and will remain in effect indefinitely, subject to the conditions described below.

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

XX **The Annexes to the U.S.-Russia Air Transport Agreement (Agreement) expired on January 22, 2001. However, the operations proposed by Delta are in conformance with the Annexes agreed to by both sides *ad referendum* on April 11, 2002.**

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated: **XX** **Holder's certificate of public convenience and necessity**

¹ Delta holds authority to serve the Atlanta-Moscow market under its route integration authority in conjunction with its certificate authority to serve the Moscow market from other U.S. cities. See Order 95-3-25, February 14, 1995, and Notice of Action Taken dated April 24, 2003, Docket OST-97-2338. The certificate authority has been kept in force under 14 CFR Part 377 since Delta filed a timely renewal application in Docket OST-99-6367.

² Delta intends to operate daily flights during the June-September peak season and four weekly flights from October to April.

Remarks: There were no objections to Delta's request for a waiver of the standard dormancy conditions. Under these circumstances, we decided to grant Delta's request for waiver of the Department's standard dormancy conditions normally imposed on frequency allocations, to allow the carrier to adjust its Atlanta-Moscow service in accordance with seasonal demand. However, should the carrier decide not to institute services using all or a portion of the seven U.S.-Russia frequencies or discontinue all or portion of the seven U.S.-Russia frequencies (other than seasonally), the carrier will be required immediately to notify the Department of such and to return the unused frequencies for reallocation.³

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) our action was consistent with Department policy; (2) grant of the application was consistent with the public interest; and (3) grant of the authority would not constitute a major regulatory action under the Energy Policy and Conservation Act of 1975. To the extent not granted, we denied all requests in the referenced Docket. We may amend, modify, or revoke the authority granted in this Notice at any time without hearing at our discretion.

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.

An electronic version of this document is available on the World Wide Web at:
http://dms.dot.gov/reports/reports_aviation.asp

³ This notice should be filed in Docket OST-2005-20116 and served on all parties to this proceeding.