



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

Issued by the Department of Transportation on March 20, 2006

NOTICE OF ACTION TAKEN -- DOCKET OST-2006-23978

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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 NORTHWEST AIRLINES, INC. (NORTHWEST) filed 2/15/06 for:

XX Exemption for two years under 49 U.S.C. 40109 to provide the following service:

Scheduled foreign air transportation of persons, property, and mail between points in the United States and points in Latin America pursuant to code-share arrangements with Continental Airlines, Inc. (Continental) and Delta Air Lines, Inc. (Delta). Specifically, Northwest intends to place its designator code (1) on flights operated by Continental between Houston, Texas, on the one hand, and Buenos Aires, Argentina; Cali, Colombia; and Punta Cana, Dominican Republic, on the other hand, and (2) on flights operated by Delta between New York, New York, and San Paulo, Brazil; and between Atlanta, Georgia, on the one hand, and Punta Cana and Santo Domingo, Dominican Republic; Buenos Aires, Argentina; and Rio de Janeiro, Brazil, on the other hand, and to integrate this authority with its existing certificate and exemption authority.<sup>1</sup>

Applicant rep: Megan Rae Rosia (202) 842-3193 DOT Analyst: Thuy H. Cooper (202) 366-5423

DISPOSITION

XX Granted in part (subject to conditions)

XX Dismissed in part (request for route integration authority)<sup>2</sup>

The above action was effective when taken: March 20, 2006, through March 20, 2008, or until 90 days after final Department action on Northwest's corresponding application for a certificate of public convenience and necessity in Docket OST-2006-23977, whichever occurs earlier.

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

XX The authority granted is consistent with the aviation agreements between the United States and Argentina, the United States and Brazil, the United States and Colombia, and the United States and the Dominican Republic of 1986 and with the overall state of aviation relations between the United States and the Dominican Republic.

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:

XX Holder's certificates of public convenience and necessity

XX Standard exemption conditions (attached)

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<sup>1</sup> Northwest's application here for exemption authority also references a pending Northwest application for corresponding certificate authority. See Docket OST-2006-23977. We will handle its certificate request separately.

<sup>2</sup> The carrier's request for route integration authority has been superseded by Order 2006-1-1, where the Department awarded the carrier a blanket route integration certificate.

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**Conditions:** The code-share operations conducted under this authorization are subject to the following conditions:

- (a) The code-sharing operations conducted under this authority must comply with 14 CFR 257 and with any amendment to the Department's regulations concerning code-share arrangements that may be adopted. Notwithstanding any provisions in the contract between the carriers, our approval here is expressly conditioned upon the requirements that the subject foreign air transportation be sold in the name of the carrier holding out such service in computer reservation systems and elsewhere; that the carrier selling such transportation (*i.e.*, the carrier shown on the ticket) accept responsibility for the entirety of the code-share journey for all obligations established in its contract of carriage with the passenger; and that the passenger liability of the operating carrier be unaffected.
- (b) The authority granted here is specifically conditioned so that neither Northwest nor its code-share partner shall give any force or effect to any contractual provisions between themselves that are contrary to these conditions.

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On the basis of data officially noticeable under Rule 24(g) of the Department's regulations, we found the applicant qualified to provide the services authorized.

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 exemption authority was consistent with the public interest; and (3) grant of the authority would not constitute a major federal action under the Energy Policy and Conservation Act of 1975. To the extent not granted or dismissed, 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.

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[http://dms.dot.gov/reports/reports\\_aviation.asp](http://dms.dot.gov/reports/reports_aviation.asp)

### **U.S. Carrier Exemption Conditions**

In the conduct of the operations authorized, the U.S. carrier applicant(s) shall:

- (1) Hold at all times effective operating authority from the government of each country served;
- (2) Comply with applicable requirements concerning oversales contained in 14 CFR 250 (for scheduled operations, if authorized);
- (3) Comply with the requirements for reporting data contained in 14 CFR 241;
- (4) Comply with requirements for minimum insurance coverage, and for certifying that coverage to the Department, contained in 14 CFR 205;
- (5) Except as specifically exempted or otherwise provided for in a Department Order, comply with the requirements of 14 CFR 203, concerning waiver of Warsaw Convention liability limits and defenses;
- (6) Comply with all applicable requirements of the Federal Aviation Administration and with all applicable U.S. Government requirements concerning security, including, but not limited to, 49 CFR Part 1544. To assure compliance with all applicable U.S. Government requirements concerning security, the holder shall, before commencing any new service (including charter flights) to or from a foreign airport, contact its International Principal Security Inspector (IPSI) to advise the IPSI of its plans and to find out whether the Transportation Security Administration has determined that security is adequate to allow such airport(s) to be served; and
- (7) Comply with such other reasonable terms, conditions, and limitations required by the public interest as may be prescribed by the Department of Transportation, with all applicable orders and regulations of other U.S. agencies and courts, and with all applicable laws of the United States.

The authority granted shall be effective only during the period when the holder is in compliance with the conditions imposed above.