

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

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Applications of	)	
	)	
ATLANTIC SOUTHEAST AIRLINES,	)	
INC. AND DELTA AIR LINES, INC.	)	Dockets OST-2006-24984
and	)	and
NORTHWEST AIRLINES, INC.	)	OST-2006-25251
	)	
for exemptions under 49 U.S.C. § 40109	)	
(United States-Mexico routes)	)	
_____	)	

**CONSOLIDATED ANSWER OF UNITED AIR LINES, INC.**

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**DATED: July 21, 2006**

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**DATED: July 21, 2006**

**CONSOLIDATED ANSWER OF UNITED AIR LINES, INC.**

United Air Lines, Inc. ("United") hereby answers in support of the petitions filed on July 14, 2006 by Atlantic Southeast Airlines, Inc. and Delta Air Lines, Inc. ("Delta") and on July 18, 2006, by Northwest Airlines, Inc. ("Northwest") seeking reinstatement of the Department's longstanding policy of applying the 90-day dormancy period from the proposed start-up date in awarding uncontested U.S.-Mexico transborder routes. For all of the reasons stated in the petitions, the relief sought by Delta and Northwest should be granted and applied on an equal basis to all similarly-situated carriers.

United would, however, take this occasion to clarify one matter. In its petition (at p. 6) Delta notes that the issue it has addressed arises in the context of U.S.-Mexico routes that were not "the subject of a contested carrier selection proceeding. . ." Thus, Delta received some noncontested routes with proposed start-up dates of less than 6 months and others with start-up dates of more than that, resulting in anomalous start-up

requirements. Delta then goes on to urge the Department even in contested route proceedings “to give the selected carrier reasonable leeway on its start-up date.”

Delta’s request for relief from dormancy conditions in the context of carrier selection cases raises issues different from those in the case of an uncontested route award. For example, in the case of the pending *Los Angeles-Puerto Vallarta Combination Service Proceeding*, Docket OST-05-23497, the start-up dates proposed by both applicants (United and Delta) have passed. The Department in Order 06-6-25 at 3 instead notes that both carriers have said that they would start within 90 days of an award once their proposed dates had passed.

United understands this to mean that there will be a start-up condition that would require it to start within 90 days of the service date of a final order awarding the route to United, as has been the Department standard in contested Mexico route cases.<sup>1</sup> The dormancy condition would apply only to services that were started within that 90 day period. Delta, on the other hand, seems to be seeking some additional but undefined “reasonable leeway” in meeting the start-up date.

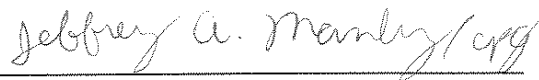
It appears that Delta may be suggesting that it wants a dormancy condition to allow it to start within 90 days of the required start-up date. If that is Delta’s position, then this offers the Department yet another reason for reversing its tentative award of Los Angeles-Puerto Vallarta authority to Delta and selecting United instead in circumstances

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<sup>1</sup> Orders 2006-4-22 at 7-8 (CHI-CUN); 2005-7-28 at 4, n. 9 (CHI-SJD); 2005-5-1 at 7, n. 28 (LAX-MEX).

where United will accept a commitment to start its service between Los Angeles and Puerto Vallarta within 90 days of the service date of a final order. United, unlike Delta, seeks no additional "leeway" in the form of a more flexible start-up/dormancy condition.

Respectfully submitted,



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**DATED: July 21, 2006**

**CERTIFICATE OF SERVICE**

I hereby certify that I have this date served a copy of the foregoing Consolidated Answer of United Air Lines, Inc. on all persons listed below by email transmission:

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