



UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
WASHINGTON, DC

Issued by the Department of Transportation on January 29, 2008

**NOTICE OF ACTION TAKEN -- DOCKET DOT-OST-2007-29356**

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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 **DELTA AIR LINES, INC. (DELTA)** filed **1/16/08** for:

**XX** Allocation of four U.S.-South Africa frequencies for the scheduled foreign air transportation of persons, property and mail between New York, New York and Cape Town, South Africa, via Dakar, Senegal.<sup>1</sup>

**Applicant rep:** Robert E. Cohn (202) 637-4999 **DOT Analyst:** Thuy H. Cooper (202) 366-5423

**DISPOSITION**

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

The above action allocating frequencies was effective when taken: **January 29, 2008**, and will remain in effect indefinitely, subject to the conditions below.

**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 South Africa and the United States and Senegal.**

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**

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**Conditions:** Delta proposes to begin service on or about June 3, 2008. Consistent with our standard practice in awarding frequencies, we will allow a 10-day leeway in the proposed start-up date for Delta. We will allow Delta to inaugurate service with all of the frequencies allocated here within 10 days of June 3, 2008 (*i.e.*, by June 13, 2008). Any frequency not inaugurated by June 13, 2008 will revert to the Department. Consistent also with our standard practice, any frequencies not operated for a period of 90 days (once inaugurated) would be deemed dormant. Under this dormancy condition, if any of the frequencies allocated are not used for a period of 90 days (once inaugurated), the allocation with respect to each such frequency would expire automatically and the frequency would revert to the Department for reallocation.

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<sup>1</sup> Under the U.S.-South Africa aviation agreement, U.S. carriers may operate 21 weekly scheduled combination frequencies. By Notice of Action Taken dated October 16, 2007, in the instant docket, the Department allocated three of those frequencies to Delta to serve between New York and Cape Town via Dakar leaving a total of 11 frequencies available for allocation. Delta's current request for 4 frequencies to serve between New York and Cape Town via Dakar will leave a total of 7 frequencies available for allocation.

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 authority 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.

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