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

Issued by the Department of Transportation on July 23, 2002

NOTICE OF ACTION TAKEN -- DOCKET OST-2002-11711 - 9

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 2//2702 for:

XX Allocation of four permanent U.S.-Brazil frequencies to provide the following service:

Scheduled foreign air transportation of persons, property, and mail between Atlanta, Georgia, and Rio de Janeiro, Brazil.

XX Motion of Delta Air Lines, Inc. filed 6/25/02 for:

Immediate Department action on Delta's pending application for four permanent U.S.-Brazil frequencies for use on the Atlanta-Rio de Janeiro route.

Applicant rep: Robert E. Cohn (202) 663-8060 DOT Analyst: Sylvia Moore (202) 366-6519

DISPOSITION

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

The above action was effective when taken for two combination frequencies: July 23, 2002

The above action was taken July 23, 2002, and is effective for services commencing September 4, 2002, for two combination frequencies.

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

XX **The authority granted is consistent with aviation agreement between the United States and Brazil.**

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**

Remarks: By Order 2002-4-19 the Department deferred action on Delta's application in Docket OST-2002-11711 for an allocation of four permanent U.S.-Brazil combination frequencies.¹ Answers to the application and Delta's response are cited in the order. On June 21, 2002, American gave the Department notice that it was returning seven frequencies; two effective immediately and five effective September 4, 2002. (See Docket OST-1999-6284.) On June 25, 2002, Delta filed a motion for immediate action on its pending application for the four permanent frequencies. No answers were filed to Delta's motion.

(See Reverse Side)

¹ Delta was allocated four temporary U.S.-Brazil combination frequencies in the order. (See Docket OST 2002-11627.)

Given the fact that Delta's motion for immediate action was uncontested, we have decided to approve Delta's pending application in this docket and convert the four temporary frequencies to a permanent award. Inasmuch as we are converting the previous temporary frequency allocation to permanent status, the temporary allocation is no longer effective on the dates specified in this notice. Two frequencies are converted effective immediately, subject to our standard dormancy condition and two will be converted effective September 4, 2002 (the date on which American returns its five frequencies), subject to our standard dormancy condition.

Conditions: Consistent with our standard practice, the frequency allocation granted is subject to the condition that if any of the frequencies are not used for a period of 90 days, the allocation as to each of those frequencies will expire automatically and the unused frequencies will revert to the Department for reallocation. The 90-day dormancy period for two of the frequencies will begin on the date of this Notice. The 90-day dormancy period for the remaining two frequencies will begin on September 4, 2002.

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.

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