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Served: August 21, 2001

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

Joint Application of Delta Air Lines, Inc., Société Air France, Alitalia-Linee Aeree Italiane-S.p.A. and Czech Airlines for Approval of and Antitrust Immunity for Alliance Agreements under 49 U.S.C. §§ 41308 and 41309
Docket OST-2001-10429-6

NOTICE PROVIDING ACCESS TO DOCUMENTS

On August 15, 2001, Delta Air Lines, Inc. (Delta), Société Air France (Air France), Alitalia-Linee Aeree Italiane-S.p.A. (Alitalia) and Czech Airlines (CSA) and their respective affiliates filed a joint application for approval of and antitrust immunity for three separate and parallel Cooperation Agreements, between Delta, on the one hand, and each of Air France, Alitalia, and CSA, on the other hand, and a Coordination Agreement among the four applicants covering the coordination of the three Cooperation Agreements (hereafter called the "Alliance Agreements"). Each applicant also filed motions under 14 C.F.R. 302.12 (Rule 12) of our regulations seeking confidential treatment for supporting documents and information. They maintain that these data and documents are proprietary, commercially sensitive, and confidential in nature which qualifies for being withheld from public disclosure. Each applicant asks that access to this material be limited to counsel and outside experts for interested parties.[1]

As an initial matter, in order to afford interested parties prompt access to the documents under conditions agreed to by the Joint Applicants and imposed by the Department under similar recent circumstances,[2] we will grant immediate interim access to all documents covered by the Rule 12 Motions to counsel and outside experts for interested parties who file appropriate affidavits with the Department in advance. Moreover, we find it appropriate to grant interim access to any subsequent materials that may be filed in these cases under a Rule 12 Motion to counsel and outside experts for interested parties who file appropriate affidavits with the Department in advance, unless the party filing the motion objects. Our actions here will make evidentiary materials available for use by interested parties in either of the pending cases.

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1 See Air France Motion at 8, and Delta and Alitalia and CSA Motions at 4-5. Answers to the Alitalia, and CSA Motions are due August 24, 2001, answers to the Air France Motion are due on August 27, and answers to the Delta Motion are due August 28. We will rule on the merits of the Rule 12 Motions by subsequent order.

2 See Notices in Dockets OST-1999-6528 dated January 7, 2000, and OST-1999-5674 dated July 19, 1999.

We expect all affidavits to state, at a minimum, that (1) the affiant is counsel for an interested party or an outside independent expert providing services to such a party; (2) the affiant will use the information only for the purpose of participating in this proceeding; and (3) the affiant will disclose such information only to other persons who have filed a valid affidavit in Docket OST-2001-10429. Affiants and interested parties must understand and agree that any pleading or other filing that includes or discusses information contained in the covered documents must itself be accompanied by a Rule 12 motion requesting confidential treatment. Affidavits must be filed in Docket OST-2001-10429 with the Department of Transportation, Dockets, Room PL-401, 400 Seventh Street, S.W., Washington, D.C., 20590.

Affiants having filed affidavits may examine the documents at the Department of Transportation at the Dockets location. Affiants must present a stamped copy of the affidavit filed with the Department of Transportation before examination of the documents.

Finally, when we have determined that the record of this case is complete, we will announce an appropriate procedural schedule.

We shall serve this notice on all persons on the service list for this docket.

By:

SUSAN McDERMOTT
Deputy Assistant Secretary for Aviation
and International Affairs

Date: August 21, 2001

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