

BEFORE THE  
DEPARTMENT OF TRANSPORTATION  
WASHINGTON, D.C.

\_\_\_\_\_)  
Joint Application of )  
 )  
 )  
AEROVIAS DE MEXICO, S.A. DE C.V., and )  
DELTA AIR LINES, INC. ) DOCKET OST-2015-\_\_\_\_  
 )  
for exemptions and a code-share )  
statement of authorization )  
(Mexico City-Ontario, California) )  
\_\_\_\_\_)

JOINT APPLICATION OF AEROVIAS DE MEXICO, S.A. DE C.V.  
AND DELTA AIR LINES, INC. FOR EXEMPTIONS AND A  
STATEMENT OF AUTHORIZATION

Communications with respect to this document should be sent to:

John R. Mietus, Jr.  
LAW OFFICE OF JOHN MIETUS, LLC  
6701 Democracy Boulevard Ste 300  
Bethesda, Maryland 20817  
(202) 747-5212  
*john@mietuslaw.com*  
Counsel for AEROMEXICO

Alexander Van der Bellen  
Managing Director - Regulatory and  
International Affairs & Associate General  
Counsel  
Christopher Walker  
Regional Director – Regulatory and  
International Affairs  
DELTA AIR LINES, INC.  
1212 New York Avenue, N.W.  
Washington, D.C. 20005  
(202) 842-4184  
*sascha.vanderbellen@delta.com*  
*chris.walker@delta.com*

NOTICE: Any person may support or oppose this application by filing an answer and serving a copy of the answer on counsel for the Joint Applicants and upon persons served with this application no later than March 5, 2015. THE JOINT APPLICANTS INTEND TO POLL.

February 18, 2015

BEFORE THE  
DEPARTMENT OF TRANSPORTATION  
WASHINGTON, D.C.

\_\_\_\_\_  
)  
Joint Application of )  
)  
)  
AEROVIAS DE MEXICO, S.A. DE C.V., and )  
DELTA AIR LINES, INC. ) DOCKET OST-2015-\_\_\_\_  
) February 18, 2015  
for exemptions and a code-share )  
statement of authorization )  
(Mexico City-Ontario, California) )  
\_\_\_\_\_ )

JOINT APPLICATION OF AEROVIAS DE MEXICO, S.A. DE C.V.  
AND DELTA AIR LINES, INC. FOR EXEMPTIONS AND A  
STATEMENT OF AUTHORIZATION

Aerovias de Mexico, S.A. de C.V. ("Aeromexico") and Delta Air Lines, Inc. ("Delta") (together, the "Joint Applicants") respectfully apply for the following authority to engage in scheduled, foreign air transportation of persons, property, and mail in a new Mexico-U.S. city-pair market as described below:

- (1) an exemption, pursuant to 49 U.S.C. § 40109 and for an initial period of one year, authorizing Aeromexico to operate such service in the Mexico City, Mexico--Ontario, California market;
- (2) a statement of authorization, pursuant to 14 C.F.R. Part 212 and of indefinite duration, permitting Aeromexico to display the DL\* designator code of Delta on Aeromexico-operated flights in this market; and
- (3) a code-share exemption, for an initial period of two years, authorizing Delta to engage in such transportation in this city-pair market by placing its code on Aeromexico.<sup>1</sup>

<sup>1/</sup> Delta further requests the Department transmit the necessary code-share designation to the Government of Mexico to facilitate Mexican licensing of Delta's proposed services on Aeromexico under the U.S.-Mexico Air Transport Agreement.

So that the Joint Applicants may begin marketing service in this additional market, they request expedited Department action and will report the results of their poll of U.S. carriers served with the Joint Application.<sup>2</sup>

In support of this Joint Application, the Joint Applicants state as follows:

1. Aeromexico is a flag carrier of the United Mexican States that holds Department permit and exemption authority to provide service between Mexico and numerous U.S. points. It provides extensive U.S.-Mexico service. Aeromexico now proposes to operate daily service in the Mexico City-Ontario market with Boeing B737 aircraft.

2. Annex 1 to the 1960 Air Transport Agreement, as amended, between the United Mexican States and the United States provides that a carrier designated by the Government of Mexico is entitled to operate "[f]rom a point or points in Mexico to a point or points in the United States." The Joint Applicants understand that Aeromexico will shortly be designated to serve the Mexico City-Ontario route, and a public interest finding is therefore warranted.<sup>3</sup> The services for which Aeromexico requests authority also will

---

<sup>2/</sup> The Joint Applicants also request a waiver of the 45-day advance notice requirement prescribed by 14 C.F.R. § 212.10(d)(2).

<sup>3/</sup> Designation of a carrier by its homeland government is the most significant factor in determining whether grant of an application is in the public interest. *See, e.g., Bluebird Cargo Ltd.*, Order 2004-8-24 at 3-4; *Fast Air Carrier Ltda., Permit Amendment*, Order 82-2-66 at 3-4.

benefit business travelers, tourists, and shippers, further demonstrating that grant of the exemption would be consistent with the public interest.

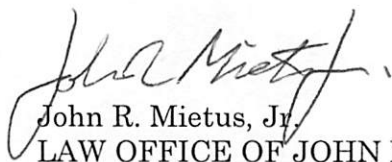
3. So that Delta may offer code-share service on the route pursuant to its longstanding code-share agreement with Aeromexico, the Joint Applicants also request code-share exemption authority for Delta, and a statement of authorization authorizing Aeromexico to carry Delta's code, in the market. Delta is fit, willing, and able to engage in these services on a code-share basis, as it operates numerous U.S.-Mexico transborder services under various exemptions and pursuant to Delta's certificate authority for Route 901. *See* Order 2010-3-12. Delta also requests that the Department take official notice, pursuant to Rule 24 of the Department's Rules of Practice, of all data on file with the Department necessary to establish its fitness.

4. Approval of the requested code-sharing authority is in the public interest. Authorizing Delta to offer code-share service in this market will enhance competition and expand price and service options for U.S. – Mexico travelers. Approval of the exemption and statement of authorization also is consistent with the U.S.–Mexico agreement. The Department has granted similar U.S. – Mexico transborder codesharing requests, finding that the exercise of such codeshare rights “will benefit travelers, shippers, businesses, cities, airlines, and airports.” Order 99-6-6 at 6. Moreover, the amended agreement authorizes up to ten carriers from each country to provide

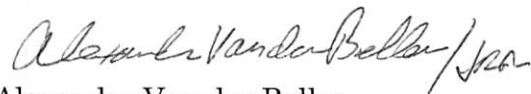
codeshare services on any nonstop U.S.–Mexico city-pair segment, leaving abundant opportunities for other carriers.

WHEREFORE, the Joint Applicants respectfully request that the Department grant the exemptions, code-share statement of authorization, and advance filing waiver described above and grant such other relief as may be necessary or proper.

Respectfully submitted,



John R. Mietus, Jr.  
LAW OFFICE OF JOHN MIETUS, LLC  
6701 Democracy Boulevard Ste 300  
Bethesda, Maryland 20817  
(202) 747-5212  
[john@mietuslaw.com](mailto:john@mietuslaw.com)  
Counsel for AEROMEXICO



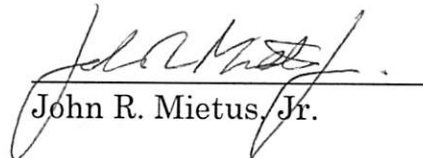
Alexander Van der Bellen  
Managing Director - Regulatory and  
International Affairs & Associate General  
Counsel  
Christopher Walker  
Regional Director – Regulatory and  
International Affairs  
DELTA AIR LINES, INC.  
1212 New York Avenue, N.W.  
Washington, D.C. 20005  
(202) 842-4184  
[sascha.vanderbellen@delta.com](mailto:sascha.vanderbellen@delta.com)  
[chris.walker@delta.com](mailto:chris.walker@delta.com)

February 18, 2015

CERTIFICATE OF SERVICE

I hereby certify that I have, this 18th day of February, 2015 caused a copy of the foregoing Joint Application for Exemptions and a Code-Share Statement of Authorization to be served by electronic mail on the following persons:

howard.kass, robert.wirick@aa.com  
gmurphy, sseiden@crowell.com for United  
dan.weiss, steve.morrissey@united.com  
nsssparks, gbleopard@fedex.com  
jrichardson@johnrichardson.com + jcanny@amerijet.com  
anita.mosner, jennifer.nowak@hklaw.com for UPS  
jhill, perkmann@cooley.com for Hawaiian and JetBlue  
robert.land@jetblue.com  
thomas.ting@suncountry.com  
bob.kneisley, leslie.abbott@wnco.com for Southwest and AirTran  
matwood, slachter@cozen.com for Frontier  
jyoung, dkirstein@yklaw.com for Spirit  
robert.cohn, patrick.rizzi@hoganlovells.com for Republic  
barbara.russell@virginamerica.com  
dheffernan@cozen.com + jeremy.ross@alaskaair.com  
englets@state.gov  
john.s.duncan@faa.gov

  
John R. Mietus, Jr.