

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

Joint Application of)	
DELTA AIR LINES, INC.)	
and)	
KENYA AIRWAYS PLC)	Docket DOT-OST-2018-_____
)	
for blanket statements of authorization pursuant)	
to 14 C.F.R. Part 212)	

**JOINT APPLICATION OF
DELTA AIR LINES, INC. AND KENYA AIRWAYS PLC
FOR BLANKET STATEMENTS OF AUTHORIZATION**

Communications with respect to this document should be sent to:

Evelyn D. Sahr
Drew M. Derco
ECKERT SEAMANS CHERIN & MELLOTT, LLC
1717 Pennsylvania Ave., N.W.
12th Floor
Washington, D.C. 20006
(202) 659-6600
esahr@eckertseamans.com
dderco@eckertseamans.com

Counsel for
KENYA AIRWAYS PLC

Christopher Walker
Director – Regulatory and International Affairs
Steven J. Seiden
Director – Regulatory Affairs
DELTA AIR LINES, INC.
1212 New York Avenue, NW
Washington, D.C. 20005
(202) 216-0700
chris.walker@delta.com
steven.seiden@delta.com

May 7, 2018

Notice: The Joint Applicants are requesting expedited treatment of this application. They will poll air carrier representatives on the attached service list and will advise the Department of the results.

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**JOINT APPLICATION OF
DELTA AIR LINES, INC. AND KENYA AIRWAYS PLC
FOR BLANKET STATEMENTS OF AUTHORIZATION**

Delta Air Lines, Inc. ("Delta") and Kenya Airways PLC ("Kenya Airways") (collectively the "Joint Applicants") hereby apply for blanket statements of authorization pursuant to 14 C.F.R. Part 212 to engage in reciprocal codesharing services to the full extent permitted by the U.S.-Kenya Open Skies Agreement, as described below.

Delta and Kenya Airways have entered into an expanded reciprocal codesharing arrangement that will create substantial benefits for passengers traveling between the United States and Kenya and enable both Delta and Kenya Airways to extend their networks and market their services more effectively. Because Delta and Kenya Airways intend to implement their codeshare services as soon as they have obtained all necessary governmental approvals, they respectfully request expedited treatment of this application.¹ Accordingly, they will poll the carrier representatives listed on the attached service list and advise the Department of the results. The Joint Applicants further ask that their statements of authorization be granted for a period of indefinite duration.

In support of this Application, the Joint Applicants submit the following:

¹ To the extent necessary, the Joint Applicants also request a waiver of the 45-day advance filing requirement for codeshare statements of authorization under 14 C.F.R. Part 212.

1. The Joint Applicants have entered into an expanded agreement² to engage in reciprocal codeshare services as follows:

- Between any point or points in the United States and any point or points in Kenya (on a nonstop basis and via intermediate routings);
- Between points in the United States;
- Between points in Kenya;
- Beyond Kenya to any point or points; and
- Beyond the United States to any point or points.

In order to fully implement these codeshare services, Delta and Kenya Airways require – and ask the Department to expeditiously grant – blanket statements of authorization for Delta to display Kenya Airways’ “KQ*” code and for Kenya Airways to display Delta’s “DL*” code on these flights. Delta requests that its blanket statement of authorization extend not only to flights operated by Delta, but also to flights conducted by all Delta Connection regional affiliates³ operating service for Delta within North America, Latin America and the Caribbean and carrying the Kenya Airways code.

2. Each of the Joint Applicants holds the underlying economic authority for these services. Delta holds a Certificate of Public Convenience and Necessity for Route 840 (Open Skies Certificate), which authorizes Delta, *inter alia*, to engage in scheduled foreign air transportation of persons, property and mail between points in the United States and points in Kenya nonstop and via intermediate points, and to points beyond Kenya. See Order 2007-4-27. Each Delta Connection affiliate holds an Interstate Certificate of Public Convenience and

² The codeshare authority requested herein expands on a previously approved reciprocal codeshare arrangement between Northwest Airlines and Kenya Airways. See Notice of Action Taken dated October 30, 1998 in Docket DOT-OST-98-3515. Northwest’s economic authorities were transferred to Delta by Orders 2008-12-20 and 2009-1-8. A copy of the Northwest/Kenya Airways codeshare agreement that continues to serve as the foundation for the expanded Delta/Kenya Airways codesharing that is the subject of this Joint Application is already on file with the Department.

³ Delta Connection regional affiliates currently include Compass Airlines, LLC (“Compass”); Endeavor Air, Inc. (“Endeavor”); ExpressJet Airlines, Inc. (“ExpressJet”); GoJet Airlines, LLC (“GoJet”); and Republic Airline Inc. (“Republic”); and SkyWest Airlines, Inc. (“SkyWest”).

Necessity as well as various certificate and exemption authorities to engage in foreign air transportation. See, e.g., Compass, Order 2007-4-28; Endeavor, Order 2013-7-2; ExpressJet, Order 2012-1-3; GoJet, Orders 2011-12-18 and 2016-3-30; Republic, Orders 2008-4-26 and 2009-9-13; and SkyWest, Order 2008-4-26. Kenya Airways holds a foreign air carrier permit with "open-skies" economic authority authorizing it to engage in scheduled and charter foreign air transportation of persons, property and mail from any point or points behind Kenya, via any point or points in Kenya and any intermediate points, to any points or points in the United States and beyond. See Order 2017-9-5.

3. The proposed codeshare services are consistent with the U.S.-Kenya Open Skies Agreement. See U.S.-Kenya Agreement, Article 8, paragraph 7.

4. Pursuant to the streamlined procedures outlined in the Department's February 9, 2009 Notice concerning blanket notification of codeshare service to Open Skies partners and points, this Joint Application serves as a single blanket 30-day notice covering new codeshare service for Open Skies points. The Joint Applicants' codeshare notice for non-Open Skies route segments is provided in Appendix A attached hereto.⁴ For points in non-Open Skies countries, the Joint Applicants will comply with the standard 30-day notice condition set forth in the relevant blanket statements of authorization. However, consistent with the Department's administration of similar blanket statements of authorization, travel via alternative gateways and paths would not require additional notice; and, notice by Delta or any of the Delta Connection carriers would be deemed notice given for all.

5. The Joint Applicants also request that their blanket statements of authorization be issued for an indefinite period, so long as their codeshare agreement continues in effect, and will notify the Department if that agreement should cease to be effective.

6. The Joint Applicants agree to abide by the consumer notification requirements of

⁴ The Joint Applicants hereby incorporate by reference all previous codeshare-points notified in Docket DOT-OST-98-3515.

14 C.F.R. Part 257 as well as the other conditions applicable to codeshare services operated to or sold in the United States. Delta's engagement in these codeshare services will not affect its commitment of aircraft to the CRAF program.

7. Delta will rely on Kenya Airways' IOSA certification to support the instant request for codeshare authority. Delta's compliance statement on Kenya Airways' IOSA codeshare safety audit has been presented to and accepted by the Federal Aviation Administration. FAA has rated Kenya a Category 1 country under the IASA Program.

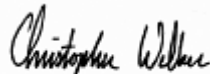
WHEREFORE, the Joint Applicants respectfully request that the Department grant the blanket statements of authorization described above to allow them to offer codeshare services on flights operated by Delta, Kenya Airways, and Delta Connection carriers and to grant the Joint Applicants such other or different relief as is consistent with this Joint Application and the public interest.

Respectfully submitted,



Evelyn D. Sahr

Counsel for KENYA AIRWAYS PLC



Christopher Walker

For DELTA AIR LINES, INC. and DELTA CONNECTION affiliates

Appendix A

INITIAL CODESHARE NOTICE (NON-OPEN-SKIES)

Kenya Airways Operated Codeshare Routes (DL* Flights):

Nairobi (NBO) to/from:

Johannesburg, South Africa (JNB)
Lilongwe, Malawi (LLW)
Djibouti, Rep. of Djibouti (JIB)
Maputo, Mozambique (MPM)

CERTIFICATE OF SERVICE

A copy of the foregoing Application has been served this 7th day of May, 2018, upon the following persons via email:

Air Carrier	Name	Email Address
American	Robert Wirick	robert.wirick@aa.com
American	Rachel Welford	rachel.welford@aa.com
United	Dan Weiss	dan.weiss@united.com
United	Steve Morrissey	steve.morrissey@united.com
United	Abby Bried	abried@jenner.com
Hawaiian	Parker Erkmann	perkmann@cooley.com
Polar Air Cargo	Kevin Montgomery	kevin.montgomery@polaraircargo.com
Atlas Air, Inc.	Russell Pommer	rpommer@atlasair.com
Federal Express	Bailey Leopard	gbleopard@fedex.com
Federal Express	Nancy Sparks	nssparks@fedex.com
United Parcel Service	Anita Mosner	anita.mosner@hklaw.com
United Parcel Service	Jennifer Nowak	jennifer.nowak@hklaw.com
Southern Air	Aaron Goerlich	agoerlich@ggh-airlaw.com
	Brian Hedberg	brian.hedberg@dot.gov
	Robert Finamore	robert.finamore@dot.gov
	Brett Kruger	brett.kruger@dot.gov
	Ben Taylor	Benjamin.taylor@dot.gov
	Kristen Davis	kristen.davis@dot.gov
	Joseph Landart	joseph.landart@dot.gov
	Info	info@airlineinfo.com