BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.

In the matter of the joint application of

TACA INTERNATIONAL AIRLINES, S.A.
LINEAS AEREAS COSTARRICENSES S.A.
AVIATECA S.A.
NICARAGUENSE DE AVIACION S.A.
TRANS AMERICAN AIRLINES, S.A.

for registration of trade name under
14 C.F.R. 215

OST-2004-17355

MOTION FOR LEAVE TO FILE AND
ANSWER OF DELTA AIR LINES, INC.

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April 1, 2004
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DEPARTMENT OF TRANSPORTATION  
WASHINGTON, D.C.  

In the matter of the joint application of  
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Delta Air Lines, Inc. ("Delta") hereby answers the application submitted in the above-captioned proceeding by six airlines seeking to hold out service under the single TACA brand and single "TA" designator code.¹  

This is an important case of first impression involving single branding by multiple carriers from multiple countries. As such, there are significant policy and precedential effects than would be associated with an approval of a new common brand and single designator code by multiple airlines. In that regard, if the Department determines to approve this application, it must also be prepared  

¹ To the extent required under Parts 215 and 302 of the Department’s Rules, Delta requests leave to file this answer. Delta’s views will contribute to a more full and complete record for the Department’s decision in this proceeding, will not prejudice any party, and should be heard.
to approve future single-branding and use of a single designator codes by other airline alliances, such as the SkyTeam alliance, of which Delta is a member.

Reciprocity is critical, considering that there is no clear basis in the existent bilateral agreements between the United States and the homeland countries of the carriers to be involved in the proposed new single branded alliance. Therefore, if the Department determines to approve single branding among the carriers associated with this alliance, it should obtain governmental assurances (and appropriately condition any approval order it may issue) to ensure that single-branded U.S. carrier alliances will be able to hold out in the homeland countries of each of the applicant carriers.

The Department does not allow U.S. carriers to hold out the services of IASA Category 2 country carries under a codeshare arrangement, even with disclosure of the operating carrier as proposed by the TACA application. In these circumstances, the Department should consider carefully whether approving codesharing by Category 2 country airlines under a Category 1 carrier code is consistent with the DOT's consumer protection and public interest mandates.
Delta appreciates the opportunity to express these concerns, and urges that they be addressed by the Department in any decision it may render on this application.

Respectfully submitted,

[Signature]

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CERTIFICATE OF SERVICE

I hereby certify that I have this 1st of April, 2004, served the foregoing Answer
of Delta Air Lines, Inc. upon those persons listed below:

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