

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

Application of)
DELTA AIR LINES, INC.)
)
) **Docket DOT-OST-2023-**
for an exemption pursuant to 49 U.S.C. § 40109)
for U.S. - Argentina service)
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**APPLICATION OF
DELTA AIR LINES, INC. FOR AN EXEMPTION**

Communications with respect to this document should be sent to:

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January 11, 2023

Notice: Delta is requesting expedited treatment of this application and will poll air carrier representatives on the attached service list and will advise the Department of the results.

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**APPLICATION OF
DELTA AIR LINES, INC. FOR AN EXEMPTION**

Pursuant to 49 U.S.C. § 40109 and Subpart C of the Department's Rules of Practice, Delta Air Lines, Inc. ("Delta") applies for an exemption to authorize it to engage in scheduled foreign air transportation of persons, property, and mail between the U.S. and Argentina. Specifically, Delta is seeking to launch new service between New York, New York (John F. Kennedy International Airport) and Buenos Aires, Argentina (Ezeiza International Airport), but is seeking broad U.S.-Argentina authority consistent with the amended Air Transport Agreement between the United States and Argentina ("Agreement"). Delta requests that its exemption authority be granted for a period of not less than two years.

Delta states as follows in support of this application:

1. Delta seeks authority to the full extent available under the amended Agreement, specifically an exemption to provide service: "[f]rom points behind the United States via the United States and intermediate points to a point or points in Argentina and beyond." (Agreement, Annex I, Section 1 A. 1.).

2. Delta's proposed New York-Buenos Aires flights will operate 7 days a week, utilizing 237-seat Boeing 767-400 aircraft. Delta plans to commence this new service pattern starting December 16, 2023, following the receipt of all necessary governmental approvals. These flights will depart Delta's hub at John F. Kennedy International Airport at (all times local)

22:00 and arrive at Buenos Aires at 09:45. The return flights will depart Buenos Aires at 21:00 and arrive back in New York at 07:05.

3. Granting Delta an exemption to serve the U.S.-Argentina market, as described above, is clearly in the public interest. Broad authority will give Delta the flexibility to potentially add additional new flights as market conditions warrant, which would provide consumers new competitive travel options. The specific New York-Buenos Aires flights would bring additional competition to New York-Buenos Aires, a market that has recently been served by only two carriers: American Airlines and Aerolineas Argentinas. Delta's proposed service will allow Delta to re-launch a route that it last served in 2009, while providing its customers with a new service option to complement its long-standing Buenos Aires flights from Atlanta. It will also allow passengers to connect at Delta's hub at John F. Kennedy International Airport – the U.S.'s busiest international airport. The new service will increase travel and trade opportunities, boost New York and regional economies, create jobs, and provide benefits to travelers across the U.S. Delta's superior operational reliability and customer service will also benefit passengers who would make use of the proposed services.

4. The requested authority is fully consistent with the Agreement, as amended last in 2019. Under the Agreement, Delta is a designated combination carrier. Designated U.S. carriers may operate from any point in the U.S. to any point in Argentina under the Annex I Section Scheduled Air Service, Section 1 Routes of the Agreement. Further, Delta understands that, based on the 2019 amendment to the Agreement, frequencies are no longer limited for carriers of either country.

5. Delta holds various certificates of public convenience and necessity and exemptions authorizing it to engage in scheduled air transportation of persons, property and mail between the U.S. and various foreign countries, including Argentina.¹ Delta is fit, willing, and able

¹ See, e.g., Orders 1991-10-33, and 2007-4-27 (Blanket Open Skies), and 2001-1-14 (Atlanta-Buenos Aires).

to provide the services for which it seeks authority. Pursuant to Rule 24 of the Department's Rules of Practice, Delta requests that the Department take official notice of all information and data that have been filed establishing Delta's fitness.

6. Delta expects no difficulty obtaining fuel for the proposed services from its regular suppliers. The environmental impacts of the service will be *de minimis*, as Delta would otherwise fully deploy these aircraft elsewhere in its network. Hence, there will not be a near term net change in aircraft fuel consumption of more than 10 million gallons.

WHEREFORE, Delta respectfully requests that the Department grant the U.S.-Argentina exemption authority as described above, which would allow Delta to operate its new proposed New York-Buenos Aires services, and to grant Delta such other or different relief as is consistent with this Application and the public interest.

Respectfully submitted,



Christopher Walker

For DELTA AIR LINES, INC.

CERTIFICATE OF SERVICE

A copy of the foregoing Application has been served this 11th day of January 2023, upon the following persons via email:

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