

BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.

Application of :
:
CITYJET DESIGNATED ACTIVITY COMPANY :
(CITYJET DAC) :
: Docket DOT-OST-2016-0020
for an exemption from 49 U.S.C. § 41301 and :
blanket statement of authorization pursuant :
to 14 C.F.R. Part 212 (codesharing with United) :

APPLICATION OF CITYJET DESIGNATED ACTIVITY COMPANY
(CITYJET DAC)
FOR RENEWAL OF EXEMPTION AUTHORITY

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April 23, 2020

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(CITYJET DAC)
FOR RENEWAL OF EXEMPTION AUTHORITY

CityJet Designated Activity Company (hereinafter “CityJet or “CityJet DAC”) hereby applies for renewal of its exemption from the requirements of 49 U.S.C. § 41301 granted by Notice of Action Taken (“NOAT”) issued April 27, 2018, under 49 U.S.C. § 40109 in the above-referenced Docket, that authorizes CityJet to display the UA* designator code of United Airlines, Inc. (“United”) on CityJet’s intra-European scheduled flights. The exemption authority granted is scheduled to expire April 27, 2020. CityJet hereby makes a timely application for renewal of the exemption authority and states its intention to rely upon the automatic extension provisions of 5 U.S.C. § 558(c) and Part 377 of the Department’s Special Regulations.

In support of this renewal application, CityJet states as follows:

1. Under the April 27, 2018 NOAT, CityJet is authorized to place the United “UA*” designator code on certain CityJet intra-European flights for the carriage of United’s U.S.-Europe and beyond passengers. Specifically, the April 27, 2018 NOAT granted CityJet exemption authority from 49 U.S.C. § 41301 to extent necessary to permit CityJet to display the UA* designation code of United on flights operated by CityJet in conjunction with scheduled foreign air transportation of person, property, and mail: (i) between European Union (EU) points; (ii) between points in Norway; (iii) between points in the EU and points in Norway and points in the European Common Aviation Area (ECAA) where an open skies agreement is being applied; (iv)

between the EU or Norway, and any open skies point or points; and (v) beyond the EU or Norway to any point or points.^{1 2}

2. In filing this renewal application, CityJet invokes the automatic extension provisions of the Administrative Procedure Act, 5 U.S.C. § 558(c), as implemented by 14 CFR Part 377 to the extent applicable. The exemption authority at issue, as noted, would otherwise expire April 27, 2020, absent this renewal application, which is timely filed under 14 CFR § 377.10(c). The services in question constitute “activity of a continuing nature” under 14 CFR Part 377.

3. The CityJet exemption authority at issue should be renewed for all the reasons stated in the Joint Application filed by CityJet and United on February 4, 2016, which is hereby incorporated by reference. Renewal of the CityJet exemption authority will allow it to continue to place United’s UA* designator code on the intra-European city-pair segments that CityJet operates on a wet lease basis for Scandinavian Airlines System (SAS). CityJet will continue to carry traffic under the UA* code only as part of a through transatlantic service operated by United or SAS and will not operate its aircraft to any U.S. point.

4. As the Department found when it last renewed and amended the CityJet exemption authority under the April 27, 2018 NOAT, CityJet’s exemption authority is consistent with the U.S.-EU Air Transport Agreement, which authorizes liberal codesharing between U.S. and EU airlines. Renewal of CityJet’s exemption authority is also consistent with Department precedent and is in the public interest as the codeshare services benefit consumers and the traveling public.

¹ An earlier NOAT dated April 19, 2016 granted CityJet a blanket statement of authorization under 14 C.F.R. Part 212 to display United’s designator code, which remains in effect for an indefinite duration, subject to conditions. The April 27, 2018 NOAT re-issued the statement of authorization in the name of CityJet DAC.

² United’s exemption authority granted by the prior April 19, 2016 NOAT does not require renewal at this time because United’s blanket worldwide codeshare exemption authority covering codesharing with CityJet (among other foreign carriers) continues to be in effect by automatic extension based on a renewal application filed by United on May 31, 2019 in Docket DOT-OST-2004-19148.

See Statement of United States International Air Transportation Policy, 60 Fed. Reg. 21842-43, May 3, 1995.

Conclusion

WHEREFORE, CityJet DAC respectfully requests that the Department grant CityJet DAC renewal of the exemption from 49 U.S.C. § 41301 granted CityJet DAC in the above-referenced Docket to the extent necessary to enable CityJet DAC to continue to display the UA* designator code of United on any scheduled intra-European flights operated by CityJet DAC, and grant such other relief as the Department may deem necessary and appropriate.

Respectfully submitted,



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April 23, 2020

CERTIFICATE OF SERVICE

I hereby certify that I have on this day served the foregoing document by e-mail on the following persons:

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