



UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, DC

Issued by the Department of Transportation on March 17, 2023

**NOTICE OF ACTION TAKEN -- DOCKETS DOT-OST-2016-0021 and
DOT-OST-2020-0035**

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Motion of **DELTA AIR LINES, INC. (Delta)**, filed **2/27/23** for:

XX Temporary waiver of 90-day dormancy condition applicable to the frequencies allocated to Delta for twice daily service between Miami and Havana, and for daily service between Atlanta and Havana.¹ Delta requests (1) a two-week waiver for its Miami-Havana frequencies, from March 26, 2023 through April 10, 2023; and (2) a full-season waiver, from March 26, 2023 through October 28, 2023, for its Atlanta-Havana frequencies.²

Applicant representative: **Christopher Walker (202) 216-0700**

DOT Analyst: **Brett Kruger (202) 366-8025**

DISPOSITION

XX **Granted, waiver of dormancy conditions** (subject to conditions, see below)

The above action granting a dormancy waiver for Delta's Miami-Havana frequencies was effective when taken: **March 17, 2023**, through **April 10, 2023**.

The above action granting a dormancy waiver for Delta's Atlanta-Havana frequencies was effective when taken: **March 17, 2023**, through **October 28, 2023**.

**Action taken by: Benjamin J. Taylor, Director
Office of International Aviation**

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:

XX **Holder's certificates of public convenience and necessity**

Remarks: We will require the carrier to resume service using the affected frequencies no later than April 11, 2023 (for Delta's Miami-Havana services) and October 29, 2023 (for Delta's Atlanta-Havana services).

As a final matter, we remind the applicant that a number of significant limitations and requirements remain in place concerning air transportation between Cuba and the United States. Nothing in the Department's award of authority here relieves the applicant from complying with all applicable regulations and requirements of other U.S. agencies and with all applicable laws of the United States.

¹ See Order 2016-8-38 granting one daily frequency for Atlanta-Havana service, and one daily frequency for Miami-Havana service; and Order 2018-4-17 granting one daily frequency for Miami-Havana service.

² By Notice of Action Taken dated October 18, 2022, in the instant dockets, we granted a dormancy waiver to Delta for its Miami-Havana and Atlanta-Havana frequencies through March 25, 2023.

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) our action was consistent with Department policy; (2) grant of the authority was consistent with the public interest; and (3) grant of the authority would not constitute a major regulatory action under the Energy Policy and Conservation Act of 1975. To the extent not granted, we denied all requests in the referenced motion. We may amend, modify, or revoke the authority granted in this Notice at any time without hearing at our discretion.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within seven (7) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

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