

**BEFORE THE
U.S. DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

_____))
Application of))
))
SOUTHWEST AIRLINES CO.) **Docket No. DOT-OST-2017-0059**
))
for renewal of exemption authority))
pursuant to 49 U.S.C. § 40109))
(U.S.-Turks and Caicos Islands)))
_____)

**APPLICATION OF SOUTHWEST AIRLINES CO.
FOR RENEWAL OF EXEMPTION AUTHORITY**

Communications with respect to this document should be sent to:

Mark Shaw
Executive Vice President
Chief Legal and Regulatory Officer
SOUTHWEST AIRLINES CO.
2702 Love Field Drive
Dallas, TX 75235-1611

Andrew Watterson
Chief Operating Officer
SOUTHWEST AIRLINES CO.
2702 Love Field Drive
Dallas, TX 75235-1611

Leslie Abbott
Assistant General Counsel
Regulatory Affairs
SOUTHWEST AIRLINES CO.
919 18th Street, N.W., Suite 600
Washington, D.C. 20006
leslie.abbott@wnco.com
(202) 263-6285

December 5, 2022

**BEFORE THE
U.S. DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

Application of)	
)	
SOUTHWEST AIRLINES CO.)	Docket No. DOT-OST-2017-0059
)	
for renewal of exemption authority)	
pursuant to 49 U.S.C. § 40109)	
(U.S.-Turks and Caicos Islands))	
)	

**APPLICATION OF SOUTHWEST AIRLINES CO.
FOR RENEWAL OF EXEMPTION AUTHORITY**

Pursuant to 49 U.S.C. § 40109, Southwest Airlines Co. (Southwest)¹ hereby applies for renewal of exemption authority to engage in scheduled foreign air transportation of persons, property, and mail between any point or points in the United States, on the one hand, and any point or points in the Turks and Caicos Islands, on the other hand. The Department of Transportation (Department or DOT) originally awarded this exemption authority to Southwest by Notice of Action Taken (NOAT) on May 1, 2017 in this Docket. The current exemption is scheduled to expire on March 23, 2023.² Renewal of this exemption authority is in the public interest for the same reasons that supported the original issuance of authority for Southwest to provide service between the

¹ Common names of airlines and airports are used herein.

² To the extent necessary, Southwest requests a waiver from 14 CFR § 377.10(c) and relies upon the automatic extension provisions of 5 U.S.C. § 558(c) to maintain the subject authority in effect beyond the expiration date, pending DOT action on this Application. Southwest's current exemption authority is effective through March 23, 2023. Accordingly, this renewal application is timely filed under the provisions of Part 377.

United States and the Turks and Caicos Islands. Southwest respectfully requests prompt renewal of its exemption authority for a minimum of two years consistent with Department precedent.

In support of this renewal application, Southwest states the following:

1. Southwest is a Texas corporation with its principal place of business at 2702 Love Field Drive, Dallas, Texas, 75235.
2. Southwest is a citizen of the United States as defined by Section 40102(a)(15) of Title 49 of the United States Code and Section 204.2(c) of the Department's Economic Regulations. Southwest's president and at least two-thirds of its board of directors and other managing officers are citizens of the United States. Southwest is under the actual control of citizens of the United States and more than 75 percent of its voting interest is owned or controlled by persons that are citizens of the United States.
3. Southwest is fit, willing, and able to conduct the services described in this application. Southwest commenced commercial service in 1971 as an intrastate airline, and has operated as a U.S. certificated air carrier since 1979. Southwest requests that the Department take official notice pursuant to Rule 24 (14 CFR § 302.24) of Southwest's Certificate of Public Convenience and Necessity for Interstate Air Transportation, originally issued by Order 79-6-187, and subsequently amended by Order 86-5-60 (May 15, 1986), Order 98-7-6 (July 8, 1998), and Order 2005-12-4 (December 9, 2005). Southwest has consistently maintained its Certificate in good standing for over 40 years.
4. Southwest currently holds exemption authority from the Department for service to numerous countries in the Caribbean and Central America, including Aruba,³ the

³ See Docket DOT-OST-2016-0013.

Bahamas,⁴ Belize,⁵ Costa Rica,⁶ the Dominican Republic,⁷ and Jamaica.⁸ Pursuant to Rule 24, Southwest asks the Department to take official notice of all data on file necessary to establish Southwest's fitness.

5. Southwest currently provides daily nonstop service from the United States to Providenciales (PLS). Southwest provides consumers with high-quality, low-cost travel options and low-fare competition in this market using Stage III Boeing 737-700 aircraft configured for 143 seats. As such, the continuation of Southwest's U.S. – Turks and Caicos service is in the public interest.

6. Southwest's service is fully consistent with the terms of the Air Services Agreement between the United States and the United Kingdom of Great Britain dated July 23, 1977, as amended.⁹

7. The environmental impacts of Southwest's services are *de minimis*, and have not resulted in a near-term annual increase in aircraft fuel consumption of 10 million gallons or more. Accordingly, grant of this application will not constitute a "major regulatory action" within the meaning of the Energy Policy and Conservation Act of 1975 or Part 313 of the Department's Economic Regulations.

8. Southwest will continue to accept and comply with the terms and conditions that the Department routinely imposes on exemption authority for scheduled foreign air transportation.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

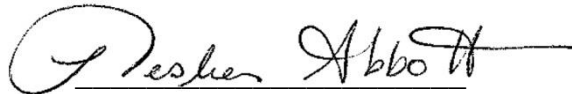
⁷ See Docket DOT-OST-2016-0013.

⁸ *Id.*

⁹ <https://www.state.gov/e/eb/rls/othr/ata/u/uk/176322.htm>.

WHEREFORE, Southwest Airlines respectfully requests renewal of its exemption authority under 49 U.S.C. § 40109 for a minimum of two years to provide scheduled foreign air transportation of persons, property, and mail between a point or points in the United States and a point or points in the Turks and Caicos Islands.

Respectfully submitted,


Leslie C. Abbott

December 5, 2022

CERTIFICATE OF SERVICE

I hereby certify that on December 5, 2022, a copy of the foregoing was served via e-mail on the following persons:

Alaska Airlines

dheffernan@cozen.com
rwelford@cozen.com

American Airlines

robert.wirick@aa.com
john.b.williams@aa.com
molly.wilkinson@aa.com
bruce.wark@aa.com
brent.alex@aa.com

Atlas Air

george.kopcsay@atlasair.com
keinan.meginniss@atlasair.com

Delta Air Lines

chris.walker@delta.com
steven.seiden@delta.com

FedEx

anne.BechtdoltFedEx.com
brian.hedberg@FedEx.com
sllunsford@fedex.com

Frontier

patrick.rizzi@hoganlovells.com

Hawaiian Airlines

perkmann@cooley.com

JetBlue Airways

robert.land@jetblue.com
adam.schless@jetblue.com
reese.davidson@jetblue.com

Polar Air Cargo

kevin.montgomery@polaraircargo.com

Spirit Airlines

jyoung@yklaw.com
dkirstein@yklaw.com

United Airlines

steve.morrissey@united.com
dan.weiss@united.com
aarshad@jenner.com

UPS

anita.mosner@hklaw.com

Department of Transportation

yoneokaR@state.gov
john.s.duncan@faa.gov
brett.kruger@dot.gov
todd.homan@dot.gov
benjamin.taylor@dot.gov
peter.irvine@dot.gov

info@airlineinfo.com