

**BEFORE THE
U.S. DEPARTMENT OF TRANSPORTATION**

Joint Application of

**DELTA AIR LINES, INC. and
WESTJET**

**Under 49 U.S.C. §§ 41308 and 41309 for
Approval of and Antitrust Immunity for
Alliance Agreements**

Docket DOT-OST-2018-0154

**RESPONSE OF THE DELTA MASTER EXECUTIVE COUNCIL
OF THE AIR LINE PILOTS ASSOCIATION, INTERNATIONAL**

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February 14, 2020

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OF THE AIR LINE PILOTS ASSOCIATION, INTERNATIONAL**

The Delta¹ Master Executive Council (MEC) of the Air Line Pilots Association, International (ALPA) respectfully files this response to the February 7, 2020 Surreponse of the Westjet MEC, objecting to the required or voluntary transfer of Westjet's LaGuardia slots to another operator in connection with the proposed Delta-Westjet joint venture (the JV).² Specifically, the Delta MEC joins the Westjet pilots in opposing mandatory divestiture of Westjet's LGA slots to a non-JV carrier, and supports imposing a condition to restrict the Joint Applicants from transferring those slots from Westjet mainline to Delta Connection (DCI) within the context of the JV.

As the Delta MEC expressed in its earlier Answer, joint ventures benefit the public interest where they expand total service offerings and capacity in key markets, provided that US

¹ Common names are used for carriers.

² To the extent necessary, the Delta MEC seeks leave to file this Response under Rule 6 of the Department's Rules of Practice (14 CFR § 302.6) to enable a more complete record on which the Department can base its decision.

operators—and US aviation workers—share equitably in that growth. Requiring Westjet to divest its LGA slots, however, would necessarily reduce the Joint Applicants' total starting capacity in the critical LGA market, undermining the JV's ability to achieve real net growth—or its associated public interest benefits—relative to pre-JV conditions. Under these circumstances, conditioning JV approval on LGA slot divestment is simply not appropriate.

Any growth-related benefits of the JV would be similarly undercut if the immunized alliance were used to reduce total LGA transborder service capacity by substituting DCI regional jet services for existing Westjet mainline offerings, notwithstanding demonstrated consumer demand.³ Accordingly, it is entirely appropriate for the Department to safeguard against that result by restricting utilization of Westjet's LGA slots to Westjet mainline services during the lifetime of the JV. Such a condition would also amply address the concerns articulated on this docket by carriers like Southwest, JetBlue, and Alaska.

Respectfully submitted,

/s/ Ryan Schnitzler

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³ See Westjet MEC Surreponse at 3–5 (detailing impressive traffic flows and load factors on existing LGA-YYZ service operated by Westjet mainline).

CERTIFICATE OF SERVICE

I hereby certify that on February 14, 2020, the foregoing document was served on the following persons via the email addresses listed below in accordance with the Department's Rules of Practice:

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