



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**

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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 **JETBLUE AIRWAYS CORPORATION (JetBlue)**, filed **2/22/23** for:

**XX** Temporary waiver of 90-day dormancy condition applicable to frequencies allocated to JetBlue for service between Fort Lauderdale, Florida, and Havana, Cuba. JetBlue requests a waiver, effective May 5, 2023, which would allow it to not operate six weekly (Sunday-Friday) frequencies for one year.

Applicant representative: **Robert C. Land (202) 715-2565**

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

**DISPOSITION**

**XX** **Granted, in part (waiver of dormancy condition through October 28, 2023); remainder deferred (i.e., longer-term waiver).** (See below)

The above action granting a dormancy waiver for six weekly (Sunday-Friday) Fort Lauderdale-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**

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**Decision:** We have carefully considered JetBlue's request for a dormancy waiver and believe that partial grant would be consistent with the public interest. In the circumstances presented, including the absence of opposition to JetBlue's request, we have decided to grant the requested relief through October 28, 2023.

We do not believe that the public interest warrants relief extending beyond the immediate forthcoming Summer traffic season. In response to the COVID-19 public health emergency, the Department has on several occasions granted season-long relief from the dormancy conditions attached to limited-entry route authorities.<sup>1</sup> An October 28, 2023, expiration coincides with the relief granted by Order 2023-2-15 for other limited-entry markets, and we believe that the public interest would be best served by deferring action on JetBlue's request for relief beyond that date.

Accordingly, we will require the carrier to resume service using the affected frequencies no later than October 29, 2023. Should JetBlue believe that circumstances call for relief beyond October 28, 2023, JetBlue may update its request closer in time to the expiration of the waiver granted here, when we would be better able to assess the market and make public interest determinations based on the circumstances then prevailing.

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<sup>1</sup> See e.g., Orders 2020-3-9, 2020-9-26, 2021-3-3, 2021-9-11, 2022-2-26, 2022-9-3, and 2023-2-15.

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.

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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 or deferred, 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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