

**BEFORE THE
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, DC**

Continuation of Certain Air Service

Under Public Law 116-336 §§ 4005 and 4114 (b)

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) Docket DOT-OST-2020-0037
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)

**REQUEST OF UNITED AIRLINES, INC. FOR CLARIFICATION AND, AS
NECESSARY, SUPPLEMENTAL REQUEST FOR EXEMPTION FROM SERVICE
OBLIGATION**

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April 28, 2020

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United Airlines, Inc. (“United”) respectfully requests clarification of the Department of Transportation’s Notice of Action Taken of April 25, 2020 (“Action”) and, as necessary, requests a supplemental grant of exemption for relief from certain service obligations.¹ United’s requests fall into two categories. The first concerns United’s election of the summer seasonal schedule

¹ United reserves its right to petition the Department for reconsideration of the Action, including any rights under 14 C.F.R. § 302.14 or any other provision, and this filing in no way waives those rights. Additionally, United stated in its initial exemption request, “[j]ust as the extreme challenges facing United are part of an industry-wide crisis, the continuing service obligations ... should be an industry-wide burden.” We note that Delta Air Lines, Inc. (“Delta”) has filed a near-identical exemption request to portions of United’s initial exemption request, which sought a suspension of service from points with service from nearby airports. *See* First Supplemental Request of Delta Air Lines, Inc. For Exemption from Service Obligations, Docket DOT-OST 2020-0037 (Apr. 27, 2020) at 4. In this filing, Delta argues that the health and safety of its airport staff justify the Department granting such an exemption. We agree and are supportive of Delta’s justification for its exemption. But we also note that the health and safety of all airport workers are at risk, like all essential critical infrastructure employees, and the risks described by Delta are not unique to that carrier or to the particular points of service for which Delta seeks relief. Regardless of how its rules on Delta’s exemption, we request that the Department maintain public health policy consistency in how it addresses these exemption requests. If the Department chooses to grant Delta’s request for relief in order to limit the exposure risk to airport workers, it should, at a minimum, apply that same policy to all carriers, including United, that have requested relief because of the availability of service at nearby airports.

for Hilton Head, South Carolina (HHH); Myrtle Beach, South Carolina (MYR); Nantucket, Massachusetts (ACK); and Sun Valley, Idaho (SUN). The second concerns re-start of service to San Juan, Puerto Rico (SJU) and St. Thomas, U.S. Virgin Islands (STT). Each of the two categories is more fully explained, in turn, below.

I. Seasonal Service Election

United reiterates its election of the summer seasonal schedule for Hilton Head, Myrtle Beach, Nantucket, and Sun Valley.² Applying the summer 2019 seasonal schedule to those four points results in service operated in summer 2020 during the following periods:

- Hilton Head – March 31 through September 8;
- Myrtle Beach – March 31 through September 8;
- Nantucket – June 20 through September 8; and
- Sun Valley – June 20 through September 2.³

United requests clarification and confirmation that the Department is not requiring United to start summer service to Nantucket or Sun Valley *earlier* than it would ordinarily have provided in its summer service to them, nor is it requiring United to operate to any of the above points *beyond* its planned seasonal termination date.⁴ As the Department acknowledged in its Action, “[i]n previous decisions in this docket, we have recognized the impracticality of

² For Nantucket, this is a change from United’s original request, filed on April 11, 2020, where United requested temporary suspension of service to Nantucket through the duration of the Department’s Service Obligation Order.

³ There may have been confusion about Sun Valley because it has both winter and summer seasonal service; United elects to fly the summer 2019 seasonal service period during the summer of 2020.

⁴ We note that DOT has granted the seasonal exemption for Fairbanks, Alaska (FAI) until July 6, 2020. *See* Action at 2. United concludes its seasonal service for this point on September 30, 2020. In the unlikely event that the minimum service obligations are extended beyond September 30, 2020, we seek clarification that United’s Fairbanks service, as well as United’s other seasonal service addressed above, will continue to be exempt from the minimum service obligations.

beginning seasonal service normally slated to begin later in the summer, immediately.”⁵

II. Re-Start of Service to San Juan, Puerto Rico, and St. Thomas, U.S. Virgin Islands

In response to the Department’s Action, United will re-start service to San Juan and St. Thomas.⁶ United proposes to resume service the week of May 4, 2020, in order to reestablish necessary ground and gate support functions as well as to establish a day of week schedule that fits within United’s overall schedule. Accordingly, to the extent necessary, United requests relief from the requirement in the Department’s Service Obligation Order (“Order”)⁷ that would otherwise mandate resumption of service on April 28, 2020.⁸ It is not reasonable or practicable for United to resume service in three days (*i.e.*, from April 25, the date of the Action). United respectfully submits that it is in the public interest for the airline to have a week within which to re-start service outside the continental United States amid a pandemic, and to establish a periodicity and pace of service that is integrated within United’s network and schedule systems.

III. Conclusion

United is grateful for the Department’s pragmatic approach to the service obligation requirement and remains committed to doing its duty to provide service to the American public. We appreciate the Department’s clarification of the service periods required in seasonal service

⁵ Action, at 3; *see also* Notice of Action Taken on Request by Delta Air Lines, Inc., Docket DOT-OST-2020-0037 (Apr. 25, 2020) at 2 (“It is not reasonable or practicable for Delta to commence its seasonal summer 2019 baseline schedule immediately. . .”).

⁶ Because the same conditions described in United’s exemption request, filed on April 11, 2020, continue to exist in San Juan and St. Thomas, United will exercise the flexibility referenced in the Order to provide “tag” service to San Juan and St. Thomas from Houston (IAH) (*i.e.*, IAH – STT – SJU – IAH).

⁷ Final Order 2020-4-2, Docket No. DOT-OST-2020-0037 (Apr. 7, 2020).

⁸ Also to the extent necessary, United requests waiver of the 10-business day filing requirement for exemption requests under the Order. Good cause exists to support of this request. *See* Order at 2-3.

elections, and urge the Department to grant the limited relief, as necessary, to safely and efficiently resume service to San Juan and St. Thomas.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Marc L. Warren". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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CERTIFICATE OF SERVICE

I certify that I have this date served the foregoing document on the following persons in accordance with the Department's Rules of Practice:

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