

**BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.**

CONTINUATION OF CERTAIN AIR SERVICE

Under Public Law 116-136 §§ 4005 and 4114(b)

Docket DOT-OST-2020-0037

CERTIFICATION OF COMPLIANCE WITH SERVICE OBLIGATION

Communications with respect to this document should be sent to:

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May 11, 2020

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CONTINUATION OF CERTAIN AIR SERVICE

Under Public Law 116-136 §§ 4005 and 4114(b)

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DELTA AIR LINES MONTHLY AIR SERVICE CERTIFICATION

Delta hereby certifies pursuant to Order 2020-4-2¹ that Delta and its regional connection partners operating under the Delta Connection brand operated service in accordance with their obligations under that Order during the period from April 20,² through April 30, 2020. Delta and its regional partners operating under the Delta Connection brand operated service at or above the service levels specified for Delta in the Order except as follows:

1. Seasonal Services

Pursuant to the Order, Delta hereby elects to comply with the Order with respect to the seasonal markets listed in Appendix C by operating its summer seasonal schedule. Pursuant to the Department's exemption approval dated April 17, 2020,³ Delta did not operate service to the following seasonal service points in April, but will commence those services at the regularly scheduled seasonal start dates:

- a. West Yellowstone, MT (WYS) – May 7
- b. Cody, WY (COD) – May 22
- c. Ketchikan, AK (KTN) – June 8
- d. Juneau, AK (JNU) – June 8
- e. Sitka, AK (SIT) – June 8
- f. Martha's Vineyard (MVY) – June 26
- g. Nantucket, MA (ACK) – June 26

¹ Order 2020-4-2, served April 7, 2020 in DOT-OST-2020-0037 ("the Order").

² The date upon which Delta accepted financial assistance under the CARES Act.

³ Notice of Action Take April 17, 2020 in DOT-OST-2020-0037.

2. Airport Closure

SkyWest did not operate Delta Connection services to Cedar City, UT (CDC) due to the closure of that airport for a runway project. The Order provides that a failure to operate service due to airport closure will not be considered noncompliance.⁴

3. Re-Start of Suspended U.S. Virgin Islands Service

As described in more detail in Delta's request for exemption filed on April 10,⁵ Delta had suspended its service to Charlotte Amalie, VI (STT) and Christiansted, VI (STX) due to the local travel ban prior to the issuance of the Order. Accordingly, the Order granted Delta a grace period of seven (7) business days from the date Delta accepted financial assistance under the CARES Act to restart this suspended service.⁶ Delta complied with its service obligations under the Order with respect to these two points by operating 3x and 1x weekly service, respectively, during the week starting April 29, 2020, which was the seventh business day following the date on which Delta accepted financial assistance under the CARES Act.

4. Cancellations Due to Excused Operational Issues

Delta's operations to Albany, NY (ALB) were severely impacted by operational issues relating to the COVID-19 pandemic. Although Delta had scheduled service to Albany during the period from April 20-30 that was well in excess of its minimum service obligations under the Order,⁷ Delta was unable to operate the intended scheduled service due to operational issues beyond its control. Specifically, on April 18, Delta's airport staff

⁴ Order, 2020-4-2, at 11 ([T]he Department will not consider it as noncompliance when operations are cancelled because of an airport closure....").

⁵ Request of Delta Air Lines, Inc. for Exemption from Service Obligation, filed April 10, 2020 in DOT-OST-2020-0037.

⁶ Order, 2020-4-2, at 13, ordering paragraph 5.

⁷ Delta had scheduled twice daily service from Albany to its hub in Detroit. Delta's service obligation for this point under the Order is 5x/week.

at ALB consisted of only seven employees, including the station manager. On April 18, one of the employees at this station self-reported symptoms of a COVID-19 infection. The employee was instructed to stay home and seek medical attention. In addition, under Delta's policies designed to protect its employees and the public during the health emergency, all other employees who had come in contact with this employee within the previous 48 hours were also instructed to stay home and self-quarantine for 14 days. This restriction affected the station manager and all but two of the other employees at the airport. As a result of this staff shortage, Delta was only able to operate four (4) of the fourteen (14) planned departures from ALB during the week beginning April 20. After approximately a week of quarantine, the ill employee was able to obtain a COVID-19 test, which came back negative. As a result, the airport staff was able to return to work on April 28, and Delta completed seven (7) departures from ALB (1x/day) during the week beginning April 27. The failure to operate 5x per week flights from Albany during the week of April 20 due to these operational issues is excused pursuant to the Order.⁸

CERTIFICATION

Pursuant to 18 U.S.C. §1001, I, J. Scott McClain, in my individual capacity and as the authorized representative of Delta Air Lines, Inc., have not in any manner knowingly and willfully falsified, concealed or failed to disclose any material fact or made any false, fictitious, or fraudulent statement or knowingly used any documents which contain such statements in connection with the preparation, filing or prosecution of this pleading. I understand that an individual who is found to have violated the provisions of 18 U.S.C. § 1001 shall be fined or imprisoned not more than five years, or both.

⁸ Order 2020-4-2 at 11 ("[T]he Department clarifies that cancellations resulting from operational issues, such as weather, mechanical, or lack of crew due to mandatory quarantine by State action, that cause a covered carrier to fall below its minimum Service Obligation at a given point will not result in a finding of noncompliance.")



J. Scott McClain
Associate General Counsel
Delta Air Lines, Inc.

CERTIFICATE OF SERVICE

A copy of the foregoing document has been served this 11th day of May 2020, upon the following persons via email:

FAA/DOT

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