



UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.

Issued by the Department of Transportation on April 16, 2020

NOTICE OF ACTION TAKEN -- DOCKET DOT-OST-2020-0037

On March 27, 2020, the President signed the Coronavirus Aid, Recovery, and Economic Security Act (the CARES Act) into law. Sections 4005 and 4114(b) of the CARES Act authorize the Secretary of the U.S. Department of Transportation (Secretary) to require, "to the extent reasonable and practicable," an air carrier receiving financial assistance under the act to maintain scheduled air transportation service as the Secretary deems necessary to ensure services to any point served by that air carrier before March 1, 2020 (Service Obligation). By Order 2020-4-2, the U.S. Department of Transportation established the parameters for implementation of the authority granted to the Secretary under the CARES Act, including an exemption process as described in Appendix D of that order. This serves as notice to the public of an action taken by a Department official with regard to exemption(s) from Order 2020-4-2. No additional confirming order will be issued in this matter.

Applicant: **JetBlue Airways Corporation¹**

Date Filed: **April 8, 2020**

XX Service Level Exemption: JetBlue Airways Corporation (JetBlue) requests that the Department approve temporary suspension of service to the following covered points from its Service Obligation under the provisions of Order 2020-4-2.

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| (1) ABQ – Albuquerque International Sunport | (7) PDX – Portland International Airport |
| (2) BZN – Bozeman Yellowstone International Airport | (8) RNO – Reno-Tahoe International Airport |
| (3) DFW – Dallas/Fort Worth International Airport | (9) SMF – Sacramento International Airport |
| (4) IAH – Houston George Bush Intercontinental Airport | (10) BQN – Aguadilla / Rafael Hernández International Airport |
| (5) MSP – Minneapolis–Saint Paul International Airport | (11) PSE – Mercedita / Ponce International Airport |
| (6) ORH – Worcester Regional Airport | |

XX Seasonal Exemption: JetBlue requests that the Department approve temporary suspension of service to the following covered point in its Winter 2020 base line schedule from its Service Obligation under the provisions of Order 2020-4-2.

- (12) PSP – Palm Springs International Airport

XX Waiver from the 10-business day advance filing requirement for the covered carriers' proposed service alteration date.

Responsive pleadings: None

DISPOSITION

XX Granted, in part (see below)

XX Balance, denied

Action date: **April 16, 2020**

¹ A copy of JetBlue's application and the basis for its exemption request can be found at: <https://www.regulations.gov/document?D=DOT-OST-2020-0037-0048>.

Effective dates of authority granted: **April 15, 2020 through September 30, 2020**²

This authority is subject to the terms, conditions, and limitations indicated:

XX Holder's certificate(s) of public convenience and necessity
XX Standard exemption conditions (attached)

Basis for approval: We find that a partial grant of JetBlue's request for exemption is warranted under the provisions of Order 2020-4-2. We grant JetBlue's request to remove covered points 10 and 11, as shown in the list above, from its Service Obligation. The Governor of Puerto Rico requested that the Federal Aviation Administration (FAA) impose flight restrictions to divert all scheduled and unscheduled commercial carrier passenger flights to Puerto Rico to SJU for screening, and the FAA did not object. It would not be reasonable or practicable for JetBlue to serve points 10 and 11 under the terms of Order 2020-4-2.

For the remaining covered points, we deny JetBlue's request. The Department is authorized to require air carriers receiving financial assistance under Sections 4005 and 4114 of the CARES Act to maintain scheduled air transportation service as the Secretary deems necessary. By Order 2020-4-2, the Department modified its original methodology to address concerns raised by interested parties and to appropriately balance the needs of communities to retain at least minimal connections to the national air transportation system during the public health emergency, as required by the CARES Act, and the economic needs of all segments of the industry. JetBlue has not persuaded the Department that we must strike a different balance with respect to the remaining covered points in JetBlue's request. Order 2002-4-2 provides substantial flexibilities to covered carriers.

We deny JetBlue's request for a seasonal exemption for covered point 12, Palm Springs (PSP). JetBlue confirmed its selection of the winter 2020 base line schedule and therefore is committed to serving all points from that baseline. Palm Springs (PSP) is part of this baseline and will therefore be maintained as a Point of Minimum Service Obligation for JetBlue.

Lastly, we grant JetBlue's 10-day waiver request but only for those covered points where we awarded relief from the Service Obligation.

Action taken by: David Short
Deputy Assistant Secretary
Aviation and International Affairs

We may amend, modify, or revoke this exemption at any time without hearing at our discretion.

Persons entitled to petition the Department for reconsideration of the action set forth in this Notice under the Department's regulations, 14 CFR § 302.14, may file their petitions within ten (10) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for reconsideration will not alter such effectiveness.

An electronic version of this document is available on the World Wide Web at:
<http://www.regulations.gov>

² The effectiveness of this authority will terminate on the date specified above. Should the air carrier wish to extend the date of effectiveness, it must file another request for an exemption in accordance with the exemption process as described in Appendix D of Order 2020-4-2.

U.S. Carrier Exemption Conditions

In the conduct of the operations authorized, the U.S. carrier applicant(s) shall:

- (1) Hold at all times effective operating authority from the government of each country served;
- (2) Comply with consumer protection and civil rights requirements, including, but not limited, to requirements contained in 14 CFR Parts 250, 254, 257, 259, 374, 382 and 399;
- (3) Comply with the requirements for reporting data to the Department, including, but not limited, to requirements contained in 14 CFR Parts 234, 241, and 244;
- (4) Comply with requirements for minimum insurance coverage, and for certifying that coverage to the Department, contained in 14 CFR 205;
- (5) Except as specifically exempted or otherwise provided for in a Department Order, comply with the requirements of 14 CFR 203, concerning waiver of Warsaw Convention liability limits and defenses;
- (6) Comply with all applicable requirements of the Federal Aviation Administration, the Transportation Security Administration, and with all applicable U.S. Government requirements concerning security, including, but not limited to, 49 CFR Part 1544. To assure compliance with all applicable U.S. Government requirements concerning security, the holder shall, before commencing any new service (including charter flights) to or from a foreign airport, contact its Principal Security Inspector (PSI) to advise the PSI of its plans and to find out whether the Transportation Security Administration has determined that security is adequate to allow such airport(s) to be served;
- (7) Comply with such other reasonable terms, conditions, and limitations required by the public interest as may be prescribed by the Department of Transportation, with all applicable orders and regulations of other U.S. agencies and courts, and with all applicable laws of the United States.

The authority granted shall be effective only during the period when the holder is in compliance with the conditions imposed above.