



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

Issued by the Department of Transportation on May 22, 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 (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 at pages 9-10 and 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: **United Airlines, Inc. (United)**¹

XX Service Level Exemption

Date Filed: **May 14, 2020**

United requests that the Department approve a temporary suspension of service to the following covered point from its Service Obligation under Order 2020-4-2, such that it would provide service to this point only as follows:²

Sun Valley, Idaho – June 20, 2020 start date & September 2, 2020 end date

United contends that, after the Department denied its previous requests for limited relief for the covered point of Sun Valley,³ it now is providing additional information to clarify the seasonality of its Sun Valley service. United asks that it be exempted from having to serve Sun Valley before June 20 and after September 2, periods during which traditionally it has not provided service to Sun Valley. The carrier claims that Sun Valley is a winter ski and summer recreational destination and that the carrier traditionally suspended service to Sun Valley outside these two seasons.

XX Waiver from the 10-business day advance filing requirement for the covered carrier’s proposed service alteration date.

Responsive pleadings: None

DISPOSITION

XX **Granted (see below)**

Action date: **May 22, 2020**

¹ A copy of United’s application and the basis for its exemption request can be found at: <https://www.regulations.gov/document?D=DOT-OST-2020-0037-0167>.

² This request was filed under the exemption process outlined in Order 2020-4-2 and was submitted after publication of the Notice of Adjustments to Service Obligations, and therefore not impacted by it.

³ United previously requested an exemption for Sun Valley, which the Department denied. *See* Notices of Action Taken dated April 25, 2020 and May 12, 2020, in this Docket.

Request for exemption granted and effective date of authority granted:⁴

For Sun Valley, Idaho: **May 22, 2020 through June 19, 2020 and**
September 3, 2020 through September 30, 2020

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 granting United's request for exemption is warranted. United's service pattern to Sun Valley, for the period during which falls within the duration of its Service Obligation, has historically commenced in June and ended in early September. Because the carrier is requesting that the Department allow it to align the start/stop dates of its Sun Valley service with the periods during which it conducted its Sun Valley service last year, we find it reasonable and practicable to grant the relief requested and note that we have previously granted similar requests to United.⁵

Finally, we grant United's request for a waiver of the 10-business day advance filing requirement for exemptions under Order 2020-4-2, so that its proposed schedule changes can be implemented promptly.

We may amend, modify, or revoke this exemption at any time without hearing at our discretion.⁶

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.

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

An electronic version of this document is available at: <http://www.regulations.gov>

⁴ The effectiveness of this authority will terminate on the date specified above. Should the air carrier wish to extend the date(s) 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.

⁵ See Notices of Action Taken dated April 25, 2020 and May 12, 2020, in this Docket.

⁶ By this Notice, we also confirm our oral action of May 15, 2020, in this Docket. The carrier supplemented its previous requests for limited relief for Sun Valley with additional information supporting its position that the service period at issue here is the same service period the carrier operated in summer 2019. In light of this, the Department granted United's request.

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 ensure 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.