



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

Served: April 8, 2004

Joint Application of American Airlines, Inc. and Compania Mexicana de Aviacion, S.A. de C.V. under 14 CFR Part 212 and 49 USC 40109 for Statements of Authorization and Related Exemption Authority (Codesharing)

Docket OST-2004-16945

NOTICE PROVIDING ACCESS TO DOCUMENTS

On January 21, 2004, American Airlines, Inc. and Compania Mexicana de Aviacion, S.A. filed a joint application for statements of authorization and related exemption authority to engage in reciprocal code-share services pursuant to their code-share agreement. Some portions of the carriers' code-share agreement were redacted.

On April 1, 2004, the carriers supplemented their application by submitting unredacted copies of previously redacted pages to their agreement. The Joint Applicants accompanied the supplement with a joint motion for confidential treatment under 14 CFR 302.12 requesting confidential treatment for this material.¹ American and Mexicana ask that access to these documents be limited to counsel and outside experts for interested parties.²

In order to afford interested parties prompt access to the documents under conditions agreed to by the applicants and imposed by the Department in similar circumstances,³ we will grant immediate interim access to all documents covered by the Rule 12 Motions to counsel and outside experts for interested parties who file appropriate affidavits with the Department in advance. Moreover, consistent with earlier determinations, at the Dockets facility, Parties will be permitted to make copies of the documents for use by persons who have filed confidentiality affidavits.⁴ We also find it appropriate to grant interim access to any subsequent materials that may be filed in this case under a Rule 12 Motion to counsel and outside experts for interested parties who file appropriate affidavits with the Department in advance, unless the party filing the motion objects.

¹ The material submitted pertains to pages 9, 10, 24, C1 and D1 of the code-share agreement.

² Motion at 1.

³ See, e.g., Notices in Dockets OST-2003-14202, served January 21, 2003, OST-2002-11842, dated March 21, 2002, and Docket OST-2001-10429, dated August 21, 2001.

⁴ See, Notices in Docket OST-2003-14202, dated January 21, 2003, in Docket OST-2002-11842, dated March 21, 2002, and in Docket OST-2001-10387, dated September 11, 2001.

We expect all affidavits to state, at a minimum, that (1) the affiant is counsel for an interested party or an outside independent expert providing services to such a party; (2) the affiant will use the information only for the purpose of participating in this proceeding; and (3) the affiant will disclose such information only to other persons who have filed a valid affidavit in Docket OST 2004-16945. Affiants and interested parties must understand and agree that any pleading or other filing that includes or discusses information contained in the covered documents must itself be accompanied by a Rule 12 Motion requesting confidential treatment. Affidavits must be filed in Docket OST-2004-16945 with the Department of Transportation, Dockets, Room PL-401, 400 Seventh Street, S.W., Washington, D.C. 20590.

Affiants having filed affidavits may examine the documents at the Department of Transportation at the Dockets location. Affiants must present a stamped copy of the affidavit filed with the Department of Transportation before examination of the documents. Immediately after the completion of any judicial review of our final decision in this docket or the expiration of the 60-day period within which a person may petition for judicial review, all persons who have filed confidentiality affidavits in this proceeding are hereby directed to file a further affidavit stating that all copies of the applicants' confidential materials have been destroyed or returned to the applicants.

No decision on the merits of the motion for confidential treatment has been made.

We will serve this notice on all persons on the service in the above-referenced docket.

By:

KAREN K. BHATIA
Assistant Secretary for Aviation
and International Affairs

(SEAL)

Dated: April 8, 2004

An electronic version of this notice is available on the World Wide Web at
http://dms.dot.gov/reports/reports_aviation.asp