



**U.S. Department of
Transportation**

Office of the Secretary
of Transportation

NOTICE OF ACTION TAKEN

DOCKETS OST-98-3631

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: **Polynesian Limited**

Date Filed: March 16, 1998

Relief requested: Exemption from 49 U.S.C. 41301 to engage in scheduled foreign air transportation of persons, property and mail between Maota, Western Samoa, and Pago Pago, American Samoa. (Polynesian stated that, based on its misunderstanding that it held the necessary authority, it conducted a total of two Maota-Pago Pago flights on March 13 and 14, 1998.)

Applicant representative: Charles Donley 202-626-6641

Responsive pleadings: Hawaiian Airlines, Inc., filed an answer stating that, given Polynesian's past performance and present violation in failing to apply for required DOT operating authority, if the Department grants the requested authority, the Department should impose the explicit condition that the carriage of cabotage traffic will result in the immediate termination of all authority held by Polynesian.

DISPOSITION

Action: **APPROVED**

Action date: **APRIL 1, 1998**

Effective dates of authority granted: **APRIL 1, 1998, thru APRIL 1, 1999**

Basis for approval: We found adequate reciprocity with Western Samoa to support grant of this authority.

Except to the extent exempted/waived, this authority is subject to the terms, conditions, and limitations indicated:

Standard exemption conditions (attached)

Special conditions/Remarks: Regarding the concerns raised by Hawaiian Airlines, we have referred the matter of unauthorized operations by Polynesian to our Office of Aviation Enforcement and Proceedings for appropriate action. In addition, as we have done in the past, we have advised Polynesian Limited that it cannot directly or indirectly hold out or provide online air transportation wholly between U.S. points. Furthermore, pursuant to advice from the Assistant General Counsel for Aviation and Enforcement Proceeding, Polynesian Limited, as was its predecessor, is subject to Consent Order 95-2-18. Finally, although we did not elect to impose the specific condition proposed by Hawaiian, we reserved the right to amend, modify or revoke authority held by Polynesian at any time and without hearing, should the public interest deem such action necessary.

Action taken by: Paul L. Gretch, Director
Office of International Aviation
under assigned authority (14 CFR 385)

(Petitions for review may be filed from now until 10 days after the service date of the confirming order/letter. Filing of a petition shall not stay the effectiveness of this action.)