



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

Issued by the Department of Transportation on July 30, 1998

NOTICE OF ACTION TAKEN -- DOCKET OST 98-3771/Undocketed

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Applicant: **LIAT (1974) Limited**

Date Filed: April 24, 1998

Relief requested: Emergency application to: Renew exemption from 49 U.S.C. 41301 for (1) scheduled foreign air transportation of persons, property, and mail between (a) the coterminal points Antigua and Barbuda, Montserrat, and St. Kitts and Nevis; via the intermediate points Anguilla, the British Virgin Islands, and St. Maarten; and the coterminal points St. Croix, St. Thomas, and San Juan; and beyond to Santo Domingo, Dominican Republic; and (b) the coterminal points Antigua and Barbuda, and St. Kitts and Nevis; via the intermediate points St. Maarten and St. Lucia; and the terminal point Miami; and (2) charter foreign air transportation of persons, property, and mail pursuant to 14 CFR Part 212 of the Department's regulations. Renew statement of authorization pursuant to 14 CFR Part 212 to conduct wet-lease operations for Aerolineas Dominicana between San Juan and Santiago, Dominican Republic.

Background: On June 1, 1998, we found that the public interest warranted reinstatement of LIAT's previously-held authorities. However, we further found that in the circumstances presented we should award these authorities for only a limited term, subject to further review prior to any extension. LIAT had allowed its statement of authorization and exemption to expire on June 1, 1997 and August 1, 1997, respectively, and the Department's Office of the Assistant General Counsel for Aviation Enforcement and Proceedings was investigating apparent unauthorized operations of LIAT subsequent to the expiration of those authorities. We found that a 30-day grant of authority to LIAT would allow the carrier to provide service to the public in the markets authorized, while at the same time allowing us to monitor progress on the enforcement proceeding. On June 30, 1998, we extended LIAT's authority for an additional 30-day term, as the Office of the Assistant General Counsel for Aviation Enforcement and Proceedings was working with the carrier to resolve the enforcement matter.

If renewal, date and citation of last action: Notice of Action Taken dated June 30, 1998, in this Docket.

Applicant representative: James Christian, (202) 962-3070

Responsive pleadings: See Notice of Action Taken dated June 1, 1998, in this Docket.

DISPOSITION

Action: Deferred portion approved

Action date: July 30, 1998

Effective dates of authority granted: July 30-April 30, 1999

Remarks: On July 20, 1998, the Department issued a Consent Order (Order 98-7-12) on the enforcement matter discussed above, noting that LIAT has reached a settlement of this matter with the Office of the Assistant General Counsel for Aviation Enforcement and Proceedings. In light of the resolution of this enforcement case, we find that the public interest now warrants extension of LIAT's previously-held authorities for the full term requested by the applicant, *i.e.*, through April 30, 1999.

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

Standard exemption conditions (attached) Foreign air carrier permit conditions (Order - -)

Action taken by: **Paul L. Gretch, Director**
Office of International Aviation

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) immediate action was required and was consistent with Department policy; (2) the applicant was qualified to perform its proposed operations; (3) grant of the exemption was consistent with the public interest; and (4) grant of the authority would not constitute a major regulatory action under the Energy Policy and Conservation Act of 1975. To the extent not granted, we denied all requests in the referenced Docket. We may amend, modify, or revoke the authority granted in this Notice at any time without hearing at our discretion.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, 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 review will not alter such effectiveness.

*An electronic version of this document is available on the World Wide Web at:
<http://dms.dot.gov/general/orders/aviation.html>.*