

72373



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

Issued by the Department of Transportation
on the 15th day of February, 2000

Applications of

AMERISTAR AIR CARGO, INC.

for certificates of public convenience and necessity under
49 U.S.C. 41102 to engage in interstate and foreign
charter air transportation of property and mail

Served: February 15, 2000

Dockets OST-99-6221-9
OST-99-6222-9

**FINAL ORDER MAKING FITNESS DETERMINATION AND
ISSUING INTERSTATE CHARTER CERTIFICATE**

By Order 2000-1-27 , issued January 28, 2000 , we directed all interested persons to show cause why we should not make final our tentative findings and conclusions stated in it and award certificates of public convenience and necessity to Ameristar Air Cargo, Inc., authorizing it to engage in interstate and foreign charter all-cargo air transportation. Interested persons were given 14 days to file objections to the order.

No objections to the show-cause order were received.

ACCORDINGLY,

1. We find that Ameristar Air Cargo, Inc.. is fit, willing, and able to engage in interstate and foreign charter air transportation of property and mail.
2. We issue a certificate of public convenience and necessity to Ameristar Air Cargo, Inc., to engage in interstate charter all-cargo air transportation in the form and subject to the Terms, Conditions, and Limitations attached.¹

¹ By this order, we issue only an interstate certificate to Ameristar. Issuance of a foreign certificate is subject to Presidential review under 49 U.S.C. 41307 and will be handled in a separate order.

3. Should Ameristar Air Cargo, Inc., propose to operate more than two aircraft, we direct it to notify the Department in writing at least 45 days prior to the proposed operation and demonstrate its fitness to conduct such operations before their commencement.²
4. We direct Ameristar Air Cargo, Inc., to submit to the Air Carrier Fitness Division a first year progress report within 45 days following the end of its first year of actual flight operations.³
5. We will serve a copy of this order on the persons listed in Attachment A.

By:

A. BRADLEY MIMS
Deputy Assistant Secretary for
Aviation and International Affairs

(SEAL)

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

² This notice shall be submitted to the Air Carrier Fitness Division. The carrier may contact the Air Carrier Fitness Division prior to submitting its notice to determine what fitness information must be provided.

³ The report shall include a description of the carrier's current operations (number and type of aircraft, principal markets served, total number of full-time and part-time employees), a summary of how these operations have changed during the year, a discussion of any changes it anticipates from its current operations during its second year, current financial statements, and a listing of current senior management and key technical personnel.



Certificate of Public Convenience and Necessity
for
Interstate Charter Air Transportation

This Certifies That

AMERISTAR AIR CARGO, INC.

is authorized, subject to the provisions of Subtitle VII of Title 49 of the United States Code, the orders, rules, and regulations issued thereunder, and the attached Terms, Conditions, and Limitations, to engage in interstate charter air transportation of property and mail.

This Certificate is not transferable without the approval of the Department of Transportation.

By Direction of the Secretary

Issued by Order 2000-2-20
On February 15, 2000
Effective on
(See Attachment)

A. Bradley Mims
Deputy Assistant Secretary for
Aviation and International Affairs



Terms, Conditions, and Limitations

AMERISTAR AIR CARGO, INC.

is authorized to engage in interstate charter air transportation of property and mail between any point in any State, territory, or possession of the United States or the District of Columbia, and any other point in any of those entities.

This authority is subject to the following provisions:

(1) The authority to operate under this certificate will not become effective until six (business) days after the Department has received the following documents; provided, however, that the Department may stay the effectiveness of this authority at any time prior to that date:

(a) A copy of the holder's Air Carrier Certificate and Operations Specifications authorizing such operations from the Federal Aviation Administration (FAA).

(b) A certificate of insurance on OST Form 6410 evidencing liability insurance coverage meeting the requirements of 14 CFR 205.5(b) for all of its aircraft.

(c) A statement of any changes the holder has undergone in its ownership, key personnel, operating plans, financial posture, or compliance history, since the date of the Show Cause Order in this case.

(d) A revised list of pre-operating expenses already paid and those remaining to be paid, as well as independent verification that the holder has available to it funds sufficient to cover any remaining pre-operating expenses and to provide a working capital reserve equal to the operating costs that would be incurred in three months of operations.

(2) Pending receipt of effective authority, the holder may not accept payment of any kind (i.e., cash, check, or credit card), or enter into contracts for the operations proposed under this certificate, and any advertisement by the holder must prominently state: "This service is subject to receipt of government operating authority."

- (3) *The holder shall at all times conduct its operations in accordance with the regulations prescribed by the Department of Transportation for the services authorized by this certificate, and with such other reasonable terms, conditions, and limitations as the Department of Transportation may prescribe in the public interest.*
- (4) *The holder is not authorized to carry passengers (other than cargo attendants accompanying freight shipments).*
- (5) *The holder's authority is effective only to the extent that such operations are also authorized by the FAA.*
- (6) *The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).*
- (7) *The holder shall maintain in effect liability insurance coverage as required under 14 CFR Part 205. Failure to maintain such insurance coverage will render a certificate ineffective, and this or other failure to comply with the provisions of Subtitle VII of Title 49 of the United States Code or the Department's regulations shall be sufficient grounds to revoke this certificate.*
- (8) *The holder is not authorized to engage in air transportation operations between points within the State of Alaska.*
- (9) *Should the holder propose any substantial changes in its ownership, management, or operations (as that term is defined in 14 CFR 204.2(l)), it must first comply with the requirements of 14 CFR 204.5.*
- (10) *In the event that the holder does not commence actual flying operations under this certificate within one year of the date of the Department's determination of its fitness, its authority shall be revoked for dormancy, unless the holder is conducting operations under another type of certificate authority. Further, in the event that the holder commences operations for which it was found "fit, willing, and able" and subsequently ceases all such operations, its authority under all certificates held shall be suspended under the terms of 14 CFR 204.7 and the holder may neither recommence nor advertise such operations unless its fitness to do so has been redetermined by the Department. Moreover, if the holder does not resume operations within one year of its cessation, its authority shall be revoked for dormancy.*

SERVICE LIST FOR AMERISTAR AIR CARGO, INC.

Attachment A

MR TOM WACHENDORFER
PRESIDENT
AMERISTAR AIR CARGO INC
4400 GLENN CURTISS DR STE 202
ADDISON TX 75001

MR LOUIS CUSIMANO AFS-900
MGR FLT STD CERT PRGMS
FEDERAL AVIATION ADMIN
45005 AVIATION DR STE 131
DULLES VA 20166-7537

MR ALAN MUTEN
AST TREASURER STE 800
AIRLINES REPORTING CORP
1530 WILSON BLVD
ARLINGTON VA 22209

MGR FLIGHT STANDARDS DIV
FAA ASW200
SOUTHWEST REGION HDQ
2601 MEACHAM BLVD
FORT WORTH TX 76137

MR PETER J LYNCH AGC-300
FAA ASST CHIEF COUNSEL FOR
ENFORCEMENT
800 INDEPENDENCE AVE SW
WASHINGTON DC 20591

MS SHERYL R ISRAEL
SHAW PITTMAN
COUNSEL FOR AMERISTAR AIR
2300 N STREET NW
WASHINGTON DC 20037

REGIONAL COUNSEL
FAA ASW7
SOUTHWESTERN REGION HDQ
2601 MEACHAM BLVD
FORT WORTH TX 76137

MR J D MEALOR
AIRLINE DATA COORDINATOR
INNOVATA LLC
3915 OLD MUNDY MILL ROAD
OAKWOOD GA 30566-3410

MR DAVID G BASSETT
PRESIDENT
AMERIJET INTL INC
498 SW 34TH STREET
FT. LAUDERDALE FL 33315

MR O D BROWN
MANAGER
DFW FSDO SW-60
PO BOX 619020
DALLAS/FT. WORTH AIRPORT
DALLAS TX 75261

MR TIM CARMODY K-25
DIRECTOR
OFFICE OF AIRLINE INFO
DEPT OF TRANSPORTATION
400 SEVENTH ST SW
WASHINGTON DC 20590

MR JOHN RICHARDSON
CRISPIN & BRENNER
COUNSEL FOR AMERIJET INTL
1100 NEW YORK AVE NW STE 850
WASHINGTON DC 20005

MS ANGELA ELGEE
MANAGER AFS-200
AIR TRANSPORT DIV
FEDERAL AVIATION ADMIN
800 INDEPENDENCE AVE SW
WASHINGTON DC 20591

MS JONI MOUNT
OFFICIAL AIRLINE GUIDES
2000 CLEARWATER DR
OAK BROOK IL 60521

AMERICAN ASSOC OF AIRPORT
EXEC
4224 KING STREET
ALEXANDRIA VA 22302

MR JIM ZAMMAR
DIR OF REV ACCOUNTING
AIR TRANSPORT ASSOC
STE 1100
1301 PENNSYLVANIA AVE NW
WASHINGTON DC 20004