



UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, DC

Issued by the Department of Transportation on May 31, 2000

NOTICE OF ACTION TAKEN -- DOCKET OST-95-557

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).

Application of Amerijet International, Inc. filed 12/1/99 to:

XX Renew exemption for two years under 49 U.S.C. 40109 to provide the following service:

Scheduled foreign air transportation of property and mail between Miami/Ft. Lauderdale, Florida, on the one hand, and Caracas, Maracaibo, and Valencia, Venezuela, on the other, via intermediate and beyond points named in the U.S.-Venezuela aviation agreement, and to integrate this authority with its existing exemption and certificate authority and any authority it may acquire in the future.¹

Applicant rep: John L. Richardson (202) 371-2258 DOT Analyst: Sylvia Moore (202) 366-6519

DISPOSITION

XX **Granted in part** (subject to conditions, see below)

XX **Balance dismissed** (see below)

The above action was effective when taken: May 31, 2000, through May 31, 2002

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

XX **The authority granted is consistent with the aviation agreement between the United States and Venezuela.**

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated: **XX** **Holder's certificate of public convenience and necessity**

XX **Standard Exemption Conditions (attached)**

(See Reverse Side)

¹ For service applicable to Amerijet's request here, the U.S.-Venezuela agreement provides for service (1) from the Eastern zone of the United States via the Netherlands West Indies to Caracas and beyond to Trinidad and Tobago, Brazil, Uruguay and Argentina, and beyond to points beyond South America (except Europe); (2) from the Eastern zone of the United States, except New York, via Cuba, Haiti, the Dominican Republic, and the Netherlands West Indies to Caracas; (3) from the Eastern zone of the United States, except New York, via Cuba, Jamaica, and points on the Atlantic Coast of Colombia to Maracaibo. Amerijet currently holds authority on Route 597 to serve the Netherlands West Indies, Trinidad and Tobago, Haiti, the Dominican Republic, Jamaica, and Colombia. The remaining intermediate points "authorized" in the bilateral agreement but not now held by Amerijet are Brazil, Uruguay, Argentina, and Cuba. We, therefore have treated this part of Amerijet's application as a request for intermediate authority to serve those points.

Conditions: The authority granted to serve intermediate and beyond points is limited to countries with which the United States has signed open-skies agreements and/or countries for which Amerijet holds authority to serve under certificates and exemptions issued by the Department, and for which it holds route integration authority by virtue of either the present action or other action of the Department.

The route integration authority granted is subject to the condition that any service provided under this exemption shall be consistent with all applicable agreements between the United States and the foreign countries involved. Furthermore, (a) nothing in the award of the route integration authority requested should be construed as conferring upon Amerijet rights (including fifth-freedom intermediate and/or beyond rights) to serve markets where U.S. carrier entry is limited unless Amerijet notifies the Department of its intent to serve such a market and unless and until the Department has completed any necessary carrier selection procedures to determine which carrier(s) should be authorized to exercise such rights; and (b) should there be a request by any carrier to use the limited-entry route rights that are included in Amerijet's authority by virtue of the route integration exemption granted here, but that are not then being used by Amerijet, the holding of such authority by route integration will not be considered as providing any preference for Amerijet in a competitive carrier selection proceeding to determine which carrier(s) should be entitled to use the authority at issue.

Dismissal: We dismissed the carrier's request for route integration authority with respect to future certificate/exemption authority. When faced previously with comparable requests, we decided not to grant open route integration authority on a prospective basis (see, for example, Notices of Action Taken dated August 19, 1999 (Docket OST-99-6044) and November 25, 1998 (Docket OST-98-4788)).

We also dismissed Amerijet's request to serve Cuba and Brazil as intermediate points. With respect to Cuba, U.S. Government regulations currently preclude U.S. carriers from operating scheduled services between the United States and Cuba. (See 31 CFR Part 515.) Therefore, it is not the Department's policy to award new scheduled authority to serve this market. With respect to Brazil, there are currently no all-cargo opportunities available for scheduled service in the U.S.-Brazil market.

Remarks: The U.S.-Venezuela aviation agreement does not provide for coterminization of Caracas and Maracaibo. These points may only be served as separate terminal points.

The authority for which Amerijet requested renewal expired January 30, 2000, but had been kept in force pursuant to the provisions of the Administrative Procedure Act, 5 U.S.C. 558(c), as implemented by 14 CFR Part 377, pending action on its timely filed renewal application.

On the basis of data officially noticeable under Rule 24(g) of the Department's regulations, we found the applicant qualified to provide the services authorized.

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) grant of the exemption was consistent with the public interest; and (3) 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 or dismissed, 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.

(See Next Page)

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/reports/reports_aviation.asp*