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Order 2000-8-19

Served: August 25, 2000



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

Issued by the Department of Transportation
on the 21 day of June, 2000

Applications of

Continental Airlines, Inc.

Florida West International Airways, Inc.

North American Airlines, Inc.

Northwest Airlines, Inc.

United Air Lines, Inc.

for certificates of public convenience and necessity
under section 41102 of Title 49 U.S.C. and the orders
and regulations of the Department of Transportation

Dockets OST-95-958 - 2
OST-2000-6841 - 2

OST-2000-7141 - 2

OST-99-5998 - 2

OST-2000-6836 - 2
OST-99-6319 - 7

OST-95-196 - 12

ORDER ISSUING CERTIFICATES

The captioned applicants seek grant, renewal, and/or amendment of certificates of public convenience and necessity under section 41102 of Title 49 of the United States Code. The applications are fully described in the attachments to this order. Because the public convenience and necessity bases for granting these applications are clear, and the applications are not controversial, it is appropriate to use this simplified, Subpart B procedure to grant the requested authority.¹

¹ 14 CFR 302.212 et seq. Under Rule 33(b) we may, in our discretion, omit a tentative decision in proceedings under Subpart B and proceed directly to a final decision.

The applicants have filed and perfected each application as required by 14 CFR 201 and served it as required by 14 CFR 302.404(c). Each application was summarized in the Federal Register, as cited in the relevant descriptive attachment, and was also summarized in the Department's published weekly list of applications filed. These notices described the authority sought and gave interested persons an opportunity to submit evidence and objections to the award of the authority. Except as noted in individual attachments, no answers to these applications were filed.

Public Convenience and Necessity

We find that grant or amendment of these certificates is consistent with the public convenience and necessity. Where, as noted, the services authorized are the subject of a bilateral agreement, the certificate is consistent with the agreement and uses rights for which the United States has exchanged valuable operating rights. For authority which is not the subject of a bilateral agreement, the grant is consistent with the overall state of aviation relations between the United States and the foreign countries involved. All of the authority conferred here contributes to the variety of price and service options available to travelers and shippers.

Fitness/Citizenship

Each applicant is a citizen of the United States as defined in 49 U.S.C. 40102(a)(15). Each is an operating certificated air carrier for which the authority at issue here would not constitute a substantial change in operations which would require further review by the Department. No information has come to our attention which leads us to question the fitness of the applicants to conduct air transportation operations. Therefore, on the basis of data officially noticeable under Rule 24(g) of the Department's regulations, we find each applicant is fit, willing and able to provide the services authorized.

Terms, Conditions and Limitations

Each certificate of public convenience and necessity is subject to the standard terms, conditions, and limitations we consistently impose in the public interest. Duration of certificate authority is determined by the nature of the routes at issue. Where routes may be served by multiple U.S. carriers, without restrictions on additional entrants, the certificates are of indefinite duration. Where limited-entry routes are involved, we issue temporary, experimental certificates of five years' duration under 49 U.S.C. 41102(c).² The certificates issued to Northwest and United to serve Ukraine, Northwest to serve Mexico, and Continental to serve Ecuador, are granted for a five-year term; the certificates issued to Continental to serve Central America, Florida West to serve Colombia, and North American to serve Guyana are for an indefinite duration.

² 14 CFR Part 399.120.

Pendente Lite Exemptions

For those services operated under current exemptions, those exemptions will expire in accordance with their own terms 90 days after we submit this order for review under 49 U.S.C. 41307. For those routes operated under expired exemptions and kept in force by 5 U.S.C. 558(c), the exemption renewal applications on file will be dismissed by separate order, upon the effectiveness of the corresponding certificates of public convenience and necessity. The attachments cite the relevant currently held authority.

Findings and Conclusions

In view of the foregoing and all the facts of record, we find and conclude that:

1. It is consistent with the public convenience and necessity to amend or issue each applicant a certificate in the form attached;
2. Each applicant is a citizen of the United States and is fit, willing and able to perform properly the foreign air transportation described in the attached certificate or certificate amendment and to conform to the provisions of Subtitle VII of Title 49, United States Code (Transportation), and to the Department's rules, regulations, and requirements;
3. The public interest requires that the exercise of the privileges granted by the attached certificates and certificate amendments be subject to the terms, conditions and limitations contained in and attached to those certificates and to such others required by the public interest as the Department may prescribe;
4. Except as otherwise noted in the attachments, the issuance of each of these certificates and certificate amendments does not constitute a "major regulatory action" under the Energy, Policy and Conservation Act of 1975, as defined by section 313.4(a)(1) of the Department's regulations;³ and
5. The public interest does not require an oral evidentiary hearing or a show-cause proceeding on any of these applications. There are no material, determinative issues of fact requiring such procedures for their resolution.

ACCORDINGLY,

1. We amend or issue in the form attached, certificates of public convenience and necessity to the applicants listed in the caption of this order;

³ Our finding is based on the fact that grant of each application would not result in a near-term increase in annual fuel consumption in excess of 10 million gallons.

2. To the extent not granted, dismissed or deferred, we deny all motions and requests in these dockets;
3. We grant all motions for leave to file otherwise unauthorized documents in the captioned dockets;
4. We will not entertain petitions for reconsideration of this order;⁴
5. We renew the allocation to Continental Airlines of 10.5 weekly frequencies to conduct operations in the Houston-Ecuador market;
6. The frequencies renewed in ordering paragraph 5 above will remain in effect, provided that Continental continues to hold the necessary underlying authority to serve the Houston-Ecuador market, and are subject to the condition that they will expire and automatically revert to the Department for reallocation if they are not used for a period of 90 days;
7. Unless disapproved by the President of the United States under 49 U.S.C. 41307, this order and the attached certificates and certificate amendments shall become effective upon the 61st day after its submission for section 41307 review, or upon the date of receipt of advice from the President or his designee under Executive Order 12597 and implementing regulations that he or she does not intend to disapprove the Department's order under that section, whichever occurs earlier;⁵ and
8. We will serve this order on the parties to the captioned dockets of this order, the Ambassador in Washington, DC of each country that the applicants seek authority to serve, the U.S. Department of State (Office of Aviation Negotiations), and the Federal Aviation Administration.

By:

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

(SEAL)

⁴ All parties have had a full opportunity to comment on the applications filed. In each case, no answers were filed to the applications for new or amended certificate authority included in this order.

⁵ This order was submitted for section 41307 review on June 21, 2000. On August 22, 2000, we received notification that the President's designee under Executive Order 12597 and implementing regulations did not intend to disapprove the Department's order.

Continental Airlines, Inc.

Renewal and Amendment of Certificate for Route 29-F

Filed: December 22, 1995 **Docket:** OST-95-958 **Notice:** 61 FR (214) 1/3/96
January 31, 2000 OST-2000-6841 65 FR (7412) 2/14/00

- I. **Authority Sought:** OST-95-958 (1) Renew authority on segment 13 to provide scheduled foreign air transportation of persons, property, and mail between Houston, Texas, and the coterminal points Guayaquil and Quito, Ecuador, via the intermediate points Mexico City, Mexico; Guatemala City, Guatemala; San Salvador, El Salvador; San Pedro Sula and Tegucigalpa, Honduras; and Panama City, Panama; and allocation of 10.5 weekly frequencies to conduct these services; and OST-2000-6841 (2) provide scheduled foreign air transportation of persons, property, and mail (a) between any point or points in the United States, on the one hand, and any point or points in Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama, and any point beyond those countries, as well as any point or points in Costa Rica, Guatemala, Honduras, Nicaragua, and Panama on flights originating or terminating in the U.S. and (b) between any point or points in the United States and Belize City, Belize, and (c) to integrate the authority in (a) and (b) with its existing certificate and exemption authority.
- II. **Relevant Currently Held Authorities:** Continental holds certificate authority to serve the Houston-Guayaquil/Quito markets via the named intermediate points and an allocation of 10.5 weekly frequencies for these services under paragraph I. (1) above. Orders 91-5-24, 92-3-45, and 92-11-46. Under the terms of the certificate Continental's authority expired June 21, 1996. Continental's allocation of frequencies also expired June 21, 1996. Continental filed a timely application for renewal and its authority has remained in effect pursuant to the provisions of the Administrative Procedure Act, 5 U.S.C. 558(c), pending action on its timely filed renewal application. Continental also holds exemption authority to serve the above routes under paragraph I. (2) above. (See Notice of Action Taken dated March 1, 2000, in Docket OST-98-3317.)
- III. **Pleadings:** No answers were filed.
- IV. **Public Convenience and Necessity:** The authority granted is consistent with the aviation agreements between the United States, on the one hand and Ecuador, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama, on the other, and with the overall state of aviation relations between the United States and Belize.

- V. **Fitness/Citizenship:** Continental has previously been found to be a citizen, of the United States and fit, willing, and able to provide scheduled foreign air transportation of persons, property, and mail as a certificated air carrier under section 41102 of Title 49 U.S.C. See, e.g., Order 99-2-8. The foreign air transportation authorized here does not constitute a substantial change in operations under Part 204 of the Department's regulations, warranting further review by the Department. Moreover, no information has come to our attention which would lead us to question Continental's fitness to conduct the air transportation operations authorized here.
- VI. **Terms, Conditions and Limitations:** Standard. We will amend and reissue Continental's certificate for Route 29-F to grant the requested authority, incorporate new segments added since the certificate was last issued, and delete obsolete terms and conditions. Continental was previously granted authority on segment 13 (now segment 14) to operate between Houston, the intermediate points Mexico City, Guatemala City, San Salvador, San Pedro Sula and Tegucigalpa, Panama City and the coterminous points Guayaquil and Quito, Ecuador. The authority to operate to the intermediate points above (except Mexico City) is now encompassed in Continental's broader authority on new segment 1 of the certificate. With respect to Mexico City, Continental's certificate for Route 29-F authorizes Continental to integrate its authority on this certificate with its existing certificates and exemptions, including its authority to serve Mexico. Therefore, there no longer was any need to include Mexico and the Central American points as specified intermediate points in conjunction with Continental's Houston-Ecuador authority. We will also renew Continental's allocation of 10.5 weekly frequencies to operate its U.S.-Ecuador service.
- VII. **Duration:** Five years for segment 14. 49 U.S.C. 41102(c). Indefinite for new authority to serve Central America (new segments 1 and 2 of revised certificate).



Certificate of Public Convenience and Necessity

For Route 29-F
(as reissued)

This Certifies That

Continental Airlines, Inc.

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

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

By Direction of the Secretary

Issued by Order 2000-8-19
On June 21, 2000
Effective on August 22, 2000

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

Terms, Conditions and Limitations

Continental Airlines, Inc. for Route 29-F

is authorized to engage in scheduled foreign air transportation of persons, property, and mail :

1. Between any point or points in the United States, and any point or points in Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama, and any point or points beyond those countries, as well as between any point or points in Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama on flights originating or terminating in the United States.
2. Between any point or points in the United States and Belize City, Belize.
3. Between a point or points in the United States and a point or points in the Federal Republic of Germany.
4. Between a point or points in the United States and a point or points in Chile.
5. Between a point or points in the United States and a point or points in Switzerland.
6. Between a point or points in the United States and a point or points in Belgium, the Netherlands, and Luxembourg.
7. Between a point or points in the United States and Kingston and Montego Bay, Jamaica; Providenciales, Grand Turk and South Caicos, Turks and Caicos; Port-Au-Prince and Cap Haitian, Haiti; Santo Domingo and Puerto Plata, Dominican Republic; St. Johns, Antigua and Barbuda; Pointe-a-Pitre, Guadeloupe; Fort-de-France, Martinique; Port-of-Spain, Trinidad and Tobago; Aruba ; Bonaire, Curacao, and St. Maarten, Netherlands Antilles; Barranquilla and San Andres, Colombia; St. Kitts, St. Lucia, Barbados, and Grenada.
8. Between the coterminal points Miami, Florida, and New York, New York/ Newark, New Jersey, and a terminal point or points in Bermuda.
9. Between a point or points in the United States and Shannon, Ireland.

10. Between a point or points in the United States and a point or points in Jordan.
11. Between a point or points in the United States (except Saipan, Commonwealth of the Northern Mariana Islands; and Guam) and a point or points in Indonesia, Malaysia, Thailand, Sri Lanka, and India.
12. Between a point or points in the United States and Tel Aviv, Israel.
13. Between the terminal point New York, New York (to be served through Newark, New Jersey); the intermediate points the Azores and Lisbon, Portugal, and the coterminal points Madrid and Barcelona, Spain; and beyond points in the following areas: Algeria; Tunisia; Egypt; Uganda; Kenya; Tanzania; Turkey; Tel Aviv, Israel; Jordan; Syria; Bahrain; Kuwait; Oman; Qatar; Yemen; United Arab Emirates; Iran; Afghanistan; Pakistan; and India.
14. Between the terminal point Houston, Texas, and the coterminal points Guayaquil and Quito, Ecuador.
15. Between the coterminal points Seattle/Tacoma, Portland, San Francisco, Oakland, San Jose, Los Angeles, Ontario, Long Beach, San Diego, and Honolulu, the intermediate point Pago Pago, and the coterminal points Papeete, Tahiti, and Nadi, Fiji.
16. Between a point or points in the United States (except Saipan, Commonwealth of the Northern Mariana Islands; Guam; and the Trust Territory of the Pacific Islands (Palau)), Puerto Rico, and the Virgin Islands, on the one hand, and coterminal point or points in Korea, Taiwan, Hong Kong, and Singapore, on the other.
17. Between a point or points in the United States, and the coterminal points Stockholm and Gothenburg, Sweden; Copenhagen, Denmark; and Oslo, Bergen, and Stravanger, Norway.

This authority is subject to the following conditions:

- (1) 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.
- (2) The holder shall at all times conduct its operations in accordance with all treaties and agreements between the United States and other countries, and the exercise of the privileges granted by this certificate is subject to compliance with such treaties and agreements and with any order of the Department of Transportation issued under them. To the extent that the holder has authority to serve more than one country or points in more than one country on the same route segment, that authority does not confer upon the holder any additional rights (including fifth-freedom intermediate and/or beyond rights) in limited-entry markets unless the Department has completed any necessary carrier selection procedures to determine which carrier(s) should be authorized to exercise such rights and has notified the foreign country(ies) involved that any such selected carrier(s) has the required authority. In such cases, the fact that the carrier may hold authority to serve the countries (points) at issue on the same segment will not be considered as providing any preference to the holder in a carrier selection proceeding.
- (3) The exercise of the authority granted here is subject to the holder's first obtaining from the appropriate foreign governments such operating rights as may be necessary.
- (4) The holder's authority is effective only to the extent that such operations are also authorized by the Federal Aviation Administration (FAA), and comply with all FAA requirements concerning security.
- (5) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. § 40102(a)(15).
- (6) 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 49 U.S.C. or the Department's regulations shall be sufficient grounds to revoke this certificate.
- (7) Should the holder propose any substantial changes in its ownership, management, or operations (as that term is defined in 14 CFR 204.2(n)), it must first comply with the requirements of 14 CFR 204.5.

- (8) In the event that the holder ceases all operations for which it was found "fit, willing, and able," its authority under this certificate 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.
- (9) The authority to serve Spain on segment 13 shall expire February 20, 2002, unless the Department earlier suspends, modifies, or deletes the authority.
- (10) The authority on segment 14 shall expire August 25, 2005, unless the Department earlier suspends, modifies, or deletes the authority.
- (11) The holder acknowledges that the authority to serve Spain and Ecuador on segments 13 and 14 is granted to determine if the holder's projected services, efficiencies, methods, rates, fares, charges, and other projected results will, in fact, materialize and remain for a sustained period of time, and to determine whether the holder will provide the innovative and low-priced air transportation it proposed in its application authority.
- (12) The holder may combine services on this certificate with all services authorized by other Department of Transportation certificates or exemptions, provided, that such operations are consistent with the applicable bilateral aviation agreements; and provided further, that (a) nothing in the award of the route integration authority requested should be construed as conferring upon the holder additional rights (including fifth-freedom intermediate and/or beyond rights) to serve markets where U.S. carrier entry is limited unless the holder first notifies us 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 the holder's authority by virtue of the route integration authority granted here, but not being used, the holder of such authority by route integration will not be considered as providing any preference for the holder in a competitive carrier selection proceeding to determine which carrier(s) should be entitled to use the authority at issue.
- (13) The authority granted to serve beyond points on segment 1 is limited to countries with which the United States has signed open-skies agreements and/or countries for which Continental holds authority to serve under certificates and exemptions issued by the Department and for which it holds route integration authority.

*As reissued by
Order
Route 29-F
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This certificate shall be come effective August 22, 2000.

This certificate, issued by Order 79-5-56, last reissued by Order 92-9-29, and last amended by Order 97-1-10, is reissued to reflect (a) renewal of authority to serve Ecuador, and (b) new authority in the U.S.-Costa Rica-El Salvador-Guatemala-Nicaragua-Panama-Belize City markets. It also incorporates new standard terms and conditions applicable to U.S. carriers and deletes obsolete terms and conditions.

Florida West International Airways, Inc.

New or Amended Certificate of Public Convenience and Necessity

Filed: March 27, 2000 **Docket:** OST-2000-7141 **Notice:** 65 FR (25974-25975) 5/4/00

- I. **Authority Sought:** Scheduled foreign air transportation of property and mail between any point or points in the United States, via intermediate points, in both directions, to a point or points in Colombia, and beyond Colombia to points in the Western Hemisphere, and to integrate this authority with its existing certificate and exemption authority.
- II. **Relevant Currently Held Authorities:** Florida West holds exemption authority to serve the above routes. (See Notice of Action Taken dated April 20, 2000, in Docket OST-2000-7140.)
- III. **Pleadings:** No answers were filed.
- IV. **Public Convenience and Necessity:** The authority granted is consistent with the March 15, 2000 Memorandum of Consultations between the United States and Colombia.¹
- V. **Fitness/Citizenship:** Florida West has previously been found to be a citizen of the United States and fit, willing, and able to provide scheduled foreign air transportation of property and mail as a certificated air carrier under section 41102 of Title 49 U.S.C. See, e.g., Order 99-12-7. The foreign air transportation authorized here does not constitute a substantial change in operations under Part 204 of the Department's regulations, warranting further review by the Department. Moreover, no information has come to our attention which would lead us to question Florida West's fitness to conduct the air transportation operations authorized here.
- VI. **Terms, Conditions and Limitations:** Standard. We will issue the requested authority by amending Florida West's certificate for Route 599. We note that Florida West has requested authority to operate via intermediate points and beyond

¹On March 15, 2000, delegations from the United States and Colombia signed a Memorandum of Consultations that set forth the text of an understanding and amendments to the 1956 Air Transport Agreement between the United States and Colombia. Among other things, the understanding and amendments provide that there would be no limitations on the number of carriers that could operate all-cargo services between the United States and Colombia and also, that there would be no limits on the frequency or type of aircraft for all-cargo service. The delegations undertook to recommend that their governments adopt this understanding and these amendments. They further stated the intent of their respective aviation authorities to permit operations provided for in the understanding and amendments as of March 15, 2000, pending entry into force of the understanding and amendments through an Exchange of Notes.

Colombia to points in the Western Hemisphere. Route 599 authorizes Florida West to operate between any point or points in the United States and numerous foreign countries, including the intermediate and beyond points encompassed by Florida West's application here.

VII. Duration: Indefinite.

North American Airlines, Inc.

New or Amended Certificate of Public Convenience and Necessity

Filed: July 16, 1999 **Docket:** OST-99-5998 **Notice:** 64 FR(40641-40642) 7/27/99

- I. **Authority Sought:** Scheduled foreign air transportation of persons, property, and mail between New York, New York, and Georgetown, Guyana.
- II. **Relevant Currently Held Authorities:** North American holds exemption authority to serve the New York, New York-Georgetown, Guyana market. (See Notice of Action Taken dated July 23, 1999, in Docket OST-99-5977.)
- III. **Pleadings:** No answers were filed.
- IV. **Public Convenience and Necessity:** The authority granted is consistent with the U.S.-U.K. aviation agreement as amended, to which Guyana acceded upon its independence.
- V. **Fitness/Citizenship:** North American has previously been found to be a citizen of the United States and fit, willing, and able to provide scheduled foreign air transportation of persons, property, and mail as a certificated air carrier under §41102 of Title 49 U.S.C. See, e.g., Order 97-3-24. The foreign air transportation authorized here does not constitute a substantial change in operations under Part 204 of the Department's regulations, warranting further review by the Department. Moreover, no information has come to our attention which would lead us to question North American's fitness to conduct the air transportation operations authorized here.
- VI. **Terms, Conditions, and Limitations:** Standard. We will issue the authority requested by amending North American's certificate for Route 735 to add new authority between New York and Georgetown, Guyana.
- VII. **Duration:** Indefinite.

*As amended by
Order 2000-8-19
Route 599
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Florida West International Airways, Inc.

Certificate Amendment for Route 599

Amend certificate to add the following country as an authorized market for all-cargo service:

Colombia

[This certificate amendment shall become effective August 22, 2000.]

*This certificate, originally issued by Order 91-1-44, reissued by Orders 96-8-38, 97-2-19, 98-2-6, and 99-12-7, is amended to reflect new authority in the U.S.-Colombia market.

North American Airlines, Inc.

New or Amended Certificate of Public Convenience and Necessity

Filed: July 16, 1999 **Docket:** OST-99-5998 **Notice:** 64 FR(40641-40642) 7/27/99

- I. **Authority Sought:** Scheduled foreign air transportation of persons, property, and mail between New York, New York, and Georgetown, Guyana.
- II. **Relevant Currently Held Authorities:** North American holds exemption authority to serve the New York, New York-Georgetown, Guyana market. (See Notice of Action Taken dated July 23, 1999, in Docket OST-99-5977.)
- III. **Pleadings:** No answers were filed.
- IV. **Public Convenience and Necessity:** The authority granted is consistent with the U.S.-U.K. aviation agreement as amended, to which Guyana acceded upon its independence.
- V. **Fitness/Citizenship:** North American has previously been found to be a citizen of the United States and fit, willing, and able to provide scheduled foreign air transportation of persons, property, and mail as a certificated air carrier under §41102 of Title 49 U.S.C. See, e.g., Order 97-3-24. The foreign air transportation authorized here does not constitute a substantial change in operations under Part 204 of the Department's regulations, warranting further review by the Department. Moreover, no information has come to our attention which would lead us to question North American's fitness to conduct the air transportation operations authorized here.
- VI. **Terms, Conditions, and Limitations:** Standard. We will issue the authority requested by amending North American's certificate for Route 735 to add new authority between New York and Georgetown, Guyana.
- VII. **Duration:** Indefinite.



Certificate of Public Convenience and Necessity

For Route 735
(as reissued)

This Certifies That

North American Airlines, Inc.

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

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

By Direction of the Secretary

Issued by Order 2000-8-19
On June 21, 2000
Effective on August 22, 2000

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

Terms, Conditions and Limitations

North American Airlines, Inc. for Route 735

is authorized to engage in scheduled foreign air transportation of persons, property, and mail:

1. Between a point or points in the United States, and the terminal points Brussels, Belgium, and Copenhagen, Denmark.
2. Between New York, New York and Georgetown, Guyana.

The authority is subject to the following conditions:

- (1) 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.
- (2) The holder shall at all times conduct its operations in accordance with all treaties and agreements between the United States and other countries, and the exercise of the privileges granted by this certificate is subject to compliance with such treaties and agreements and with any order of the Department of Transportation issued under them. To the extent that the holder has authority to serve more than one country or points in more than one country on the same route segment, that authority does not confer upon the holder any additional rights (including fifth-freedom intermediate and/or beyond rights) in limited-entry markets unless the Department has completed any necessary carrier selection procedures to determine which carrier(s) should be authorized to exercise such rights and has notified the foreign country(ies) involved that any such selected carrier(s) has the required authority. In such cases, the fact that the carrier may hold authority to serve the countries (points) at issue on the same segment will not be considered as providing any preference to the holder in a carrier selection proceeding.
- (3) The exercise of the authority granted here is subject to the holder's first obtaining from the appropriate foreign governments such operating rights as may be necessary.
- (4) The holder's authority is effective only to the extent that such operations are also authorized by the Federal Aviation Administration (FAA), and comply with all FAA requirements concerning security.

- (5) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. § 40102(a)(15).
- (6) 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 49 U.S.C. or the Department's regulations shall be sufficient grounds to revoke this certificate.
- (7) Should the holder propose any substantial changes in its ownership, management, or operations (as that term is defined in 14 CFR 204.2(n)), it must first comply with the requirements of 14 CFR 204.5.
- (8) In the event that the holder ceases all operations for which it was found "fit, willing, and able," its authority under this certificate 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.

This certificate shall be come effective August 22, 2000.

Northwest Airlines, Inc.

Renewal of Certificate for **Route 668**

Filed: January 28, 2000 **Docket:** OST-2000-6836 **Notice:** 65 FR (6247-6248) 2/8/00

- I. **Authority Sought:** Scheduled foreign air transportation of persons, property, and mail between a point or points in the United States; the intermediate point Amsterdam, the Netherlands; and the terminal point Kiev, Ukraine.
- II. **Relevant Currently Held Authority:** Northwest currently holds certificate authority on Route 668 to serve the above route (Order 95-7-36.) Under the terms of the certificate, Northwest's authority on Route 668 will expire on July 25, 2000. Northwest filed a timely application for renewal of its certificate authority.
- III. **Pleadings:** No answers were filed.
- IV. **Public Convenience and Necessity:** The authority requested is consistent with the aviation agreements between the United States and Ukraine, and the United States and the Netherlands.
- V. **Fitness/Citizenship:** Northwest has previously been found to be a citizen of the United States and fit, willing, and able to provide scheduled foreign air transportation of persons, property, and mail as a certificated air carrier under section 41102 of Title 49 U.S.C. See, e.g., Order 99-2-8. The foreign air transportation authorized here does not constitute a substantial change in operations under Part 204 of the Department's regulations, warranting further review by the Department. Moreover, no information has come to our attention which would lead us to question Northwest's fitness to conduct the air transportation operations authorized here.
- VI. **Terms, Conditions and Limitations:** Standard. We will reissue Northwest's certificate for Route 668 to reflect renewal of authority requested for an additional five years.
- VII. **Duration:** Five years. 49 U.S.C. §41102(c).



Experimental Certificate of Public Convenience and Necessity

**For Route 668
(as reissued)**

This Certifies That

Northwest Airlines, Inc.

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

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

By Direction of the Secretary

**Issued by Order 2000-8-19
On June 21, 2000
Effective on August 22, 2000**

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

Terms, Conditions and Limitations

Northwest Airlines, Inc. for **Route 668**

is authorized to engage in scheduled foreign air transportation of persons, property, and mail:

Between a point or points in the United States; the intermediate point Amsterdam, the Netherlands; and the terminal point Kiev, Ukraine.

This authority is subject to the following conditions:

- (1) 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.
- (2) The holder shall at all times conduct its operations in accordance with all treaties and agreements between the United States and other countries, and the exercise of the privileges granted by this certificate is subject to compliance with such treaties and agreements and with any order of the Department of Transportation issued under them. To the extent that the holder has authority to serve more than one country or points in more than one country on the same route segment, that authority does not confer upon the holder any additional rights (including fifth-freedom intermediate and/or beyond rights) in limited-entry markets unless the Department has completed any necessary carrier selection procedures to determine which carrier(s) should be authorized to exercise such rights and has notified the foreign country(ies) involved that any such selected carrier(s) has the required authority. In such cases, the fact that the carrier may hold authority to serve the countries (points) at issue on the same segment will not be considered as providing any preference to the holder in a carrier selection proceeding.
- (3) The exercise of the authority granted here is subject to the holder's first obtaining from the appropriate foreign governments such operating rights as may be necessary.
- (4) The holder acknowledges that this certificate is granted to determine if the holder's projected services, efficiencies, methods, rates, fares, charges, and other projected results will, in fact, materialize and remain for a sustained period of time, and to determine whether the holder will provide the innovative and low-priced air transportation it proposed in its application for authority.

- (5) The holder's authority is effective only to the extent that such operations are also authorized by the Federal Aviation Administration (FAA), and comply with all FAA requirements concerning security.
- (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 49 U.S.C. or the Department's regulations shall be sufficient grounds to revoke this certificate.
- (8) Should the holder propose any substantial changes in its ownership, management, or operations (as that term is defined in 14 CFR 204.2(n)), it must first comply with the requirements of 14 CFR 204.5.
- (9) In the event that the holder ceases all operations for which it was found "fit, willing, and able," its authority under this certificate 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.

This certificate shall become effective August 22, 2000. It shall expire five years thereafter unless the Department earlier suspends, modifies, or deletes the authority.

*This certificate, issued by Order 95-7-36, is reissued to reflect renewal of authority in the U.S.-Kiev market for an additional five years. The reissued certificate also incorporates revised standard terms and conditions applicable to U.S. carriers.

Northwest Airlines, Inc.

Amendment of Certificate for Route 564

Amendment Filed: 4/28/00¹ Docket: OST-99-6319 Notice: 65 FR (30181) 5/10/00

- I. **Authority Sought:** Amendment of its certificate to add authority to provide scheduled foreign air transportation of persons, property, and mail between the terminal point Houston, Texas, and the terminal point Mazatlan, Mexico. Northwest states that the subject authority will be used pursuant to a code-share arrangement, whereby Continental will display Northwest's code on Continental flights to provide seasonal service in the market.²
- II. **Relevant Currently Held Authority:** Northwest currently holds experimental certificate authority to serve various U.S.-Mexico routes (Route 564). Order 2000-5-31. Northwest also holds exemption authority to serve the Houston-Mazatlan market (see Notice of Action Taken dated May 23, 2000).
- III. **Pleadings:** No answers were filed to Northwest's amended application in Docket OST-99-6319.
- IV. **Public Convenience and Necessity:** The authority requested is consistent with the U.S.-Mexico Air Transport Agreement.
- V. **Fitness/Citizenship:** Northwest has previously been found to be a citizen of the United States and fit, willing, and able to provide scheduled foreign air transportation of persons, property, and mail as a certificated air carrier under section 41102 of Title 49 U.S.C. See, e.g., Order 2000-5-31. The foreign air transportation authorized does not constitute a substantial change in operations under Part 204 of the Department's regulations warranting further review by the Department. Moreover, no information has come to our attention which would lead us to question Northwest's fitness to conduct the air transportation operations authorized here.

¹ Northwest filed an amendment to its application in Docket OST-99-6319. The Department acted on Northwest's original application by Order 2000-5-31. The action taken by this order addresses only the request in the amendment to the application.

² Northwest also places its code on flights of Continental Express in the subject market (see letter dated November 19, 1999, to Paul L. Gretch, Director, Office of International Aviation).

- VI. Terms, Conditions and Limitations:** Standard Mexico certificate conditions. (See Order 98-8-18.) We will reissue Northwest's certificate for Route 564 to add Houston-Mazatlan as an authorized city-pair market for foreign scheduled air transportation services of persons, property, and mail.
- VII. Duration:** Coextensive with certificate duration of Route 564. See Order 2000-5-31.



**Experimental Certificate
of Public Convenience and Necessity
for**

Route 564
(as reissued)

This Certifies That

NORTHWEST AIRLINES, INC.

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

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

By Direction of the Secretary

Issued by Order 2000-8-19
On June 21, 2000
Effective on August 22, 2000

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

* As amended and reissued by
Order 2000-8-19
Route 564
Page 1 of 4

Terms, Conditions and Limitations

Northwest Airlines, Inc., for **Route 564**

is authorized to engage in scheduled foreign air transportation of persons, property, and mail over the following U.S.-Mexico route segments:

Cleveland-Cancun
Detroit-Cancun
Detroit-Mexico City/Toluca
Detroit-Puerto Vallarta
Detroit-Ixtapa/Zihuatanejo
Houston-Acapulco
Houston-Cancun
Houston-Cozumel
Houston-Guadalajara
Houston-Leon
Houston-Mazatlan
Houston-Merida
Houston-Mexico City/Toluca
Houston-Monterrey
Houston-Puerto Vallarta
Houston-San Jose del Cabo
Houston-Tampico
Houston-Veracruz
Houston-Ixtapa/Zihuatanejo
Los Angeles-Mazatlan
Los Angeles-Puerto Vallarta
Los Angeles-San Jose del Cabo
Memphis-Cancun
Minneapolis/St. Paul-Acapulco
Minneapolis/St. Paul-Cancun
Minneapolis/St. Paul-Cozumel
Minneapolis/St. Paul-Ixtapa/Zihuatanejo
Minneapolis/St. Paul-Puerto Vallarta
Minneapolis/St. Paul-San Jose del Cabo
New York/Newark-Cancun

* This certificate, last reissued by Order 2000-5-31, is reissued to add new certificate authority to serve the Houston-Mazatlan market.

New York/Newark-Cozumel
New York/Newark-Mexico City/Toluca
Phoenix-Puerto Vallarta
Phoenix-San Jose del Cabo
San Antonio-Mexico City/Toluca
San Diego-San Jose del Cabo
San Francisco-Mazatlan
San Francisco-Puerto Vallarta
San Francisco-San Jose del Cabo

This authority is subject to the following terms, conditions, and limitations:

- (1) 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.
- (2) The holder shall at all times conduct its operations in accordance with all treaties and agreements between the United States and other countries, and the exercise of the privileges granted by this certificate is subject to compliance with such treaties and agreements and with any orders of the Department of Transportation issued under them. To the extent that the holder has authority to serve more than one country or points in more than one country on the same route segment, that authority does not confer upon the holder any additional rights (including fifth-freedom intermediate and/or beyond rights), in limited-entry markets unless the Department has completed any necessary carrier selection procedures to determine which carrier(s) should be authorized to exercise such rights and has notified the foreign country(ies) involved that any such selected carrier(s) has the required authority. In such cases, the fact that the carrier may hold authority to serve the countries (points) at issue on the same segment will not be considered as providing any preference to the holder in a carrier selection proceeding.
- (3) The exercise of the authority granted here is subject to the holder's first obtaining from the appropriate foreign governments such operating rights as may be necessary.
- (4) The holder's authority is effective only to the extent that such operations are also authorized by the Federal Aviation Administration (FAA), and comply with all FAA requirements concerning security.

- (5) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).
- (6) 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 Federal Aviation Act or the Department's regulations shall be sufficient grounds to revoke this certificate.
- (7) The holder acknowledges that this certificate is granted to determine if the holder's projected services, efficiencies, methods, rates, fares, charges, and other projected results will, in fact, materialize and remain for a sustained period of time, and to determine whether the holder will provide the innovative and low-priced air transportation it proposed in its application for this authority.
- (8)(a) The holder may combine services on all segments of this certificate and combine services on this certificate with U.S.-Mexico combination services authorized by other Department of Transportation certificates or exemptions.
- (b) The provisions in paragraph 8(a), above, shall not authorize services which would constitute multiple designations on city-pair markets where such multiple designations are not agreed to by the United States and Mexico.
- (9) The holder may combine services authorized by this certificate with all services authorized by other Department of Transportation certificates or exemptions; provided that such operations are in compliance with the provisions of all applicable bilateral aviation agreements, and provided further that (a) nothing in the award of the route integration authority requested should be construed as conferring upon the holder additional rights (including fifth-freedom intermediate and/or beyond rights) to serve markets where U.S. carrier entry is limited unless the holder first notifies us 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 this certificate by virtue of the route integration authority granted here, but not being used, the holding of such authority by route integration will not be construed as providing any preference for the holder in a competitive carrier selection proceeding to determine which carrier(s) should be entitled to use the authority at issue.
- (10) The holder shall file a notice with the Department if it discontinues services on a route segment for 90 days or longer. This notice shall be given as soon as the decision to discontinue service (other than seasonally) is made, but in no case later than the 91st

day of dormancy. Notices shall be filed in the form of a letter addressed to the U.S. Department of Transportation, U.S. Air Carrier Licensing Division, X-44, 400 Seventh Street, SW, Washington, DC 20590, and shall identify the dormant route segment, the certificate route number, and the date the 90th day of dormancy will or did occur.

(11) Should the holder propose any substantial changes in its ownership, management, or operations (as that term is defined in 14 CFR 204.2(n)), it must first comply with the requirements of 14 CFR 204.5.

(12) In the event that the holder ceases all such operations for which it was found "fit, willing, and able," its authority under this certificate 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.

This certificate shall become effective August 22, 2000.

The authority to serve each route segment in this certificate shall continue in effect until May 30, 2005; notwithstanding the above, however, the authority to serve any segment shall expire (a) the 90th day after the holder discontinues service on that segment, or (b) the holder notifies the Department (as provided in this certificate) that the segment is dormant, whichever occurs earlier; unless the Department earlier suspends, modifies, or deletes the authority.

United Air Lines, Inc.

Renewal of Certificate for Route 669

Filed: January 18, 2000 **Docket:** OST-95-196 **Notice:** 65 FR (6247-6248) 2/8/00

- I. **Authority Sought:** Scheduled foreign air transportation of persons, property, and mail between a point or points in the United States; the intermediate point Frankfurt, Germany; and the terminal point Kiev, Ukraine.
- II. **Relevant Currently Held Authority:** United currently holds certificate authority on Route 669 to serve the above route (Order 95-7-36.) Under the terms of the certificate, United's authority on Route 669 will expire on July 25, 2000. United filed a timely application for renewal of its certificate authority.
- III. **Pleadings:** No answers were filed.
- IV. **Public Convenience and Necessity:** The authority requested is consistent with the aviation agreements between the United States and Ukraine and the United States and the Federal Republic of Germany.
- V. **Fitness/Citizenship:** United has previously been found to be a citizen of the United States and fit, willing, and able to provide scheduled foreign air transportation of persons, property, and mail as a certificated air carrier under section 41102 of Title 49 U.S.C. See, e.g., Order 98-6-22. The foreign air transportation authorized here does not constitute a substantial change in operations under Part 204 of the Department's regulations, warranting further review by the Department. Moreover, no information has come to our attention which would lead us to question United's fitness to conduct the air transportation operations authorized here.
- VI. **Terms, Conditions and Limitations:** Standard. We will reissue United's certificate for Route 669 to reflect renewal of authority requested for an additional five years.
- VII. **Duration:** Five years. 49 U.S.C. §41102(c).



Experimental Certificate of Public Convenience and Necessity

**For Route 669
(as reissued)**

This Certifies That

United Air Lines, Inc.

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

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

By Direction of the Secretary

**Issued by Order 2000-8-19
On June 21, 2000
Effective on August 21, 2000**

**A. Bradley Mims
Acting Assistant Secretary for
Aviation and International Affairs**

Terms, Conditions and Limitations

United Air Lines, Inc. for **Route 669**

is authorized to engage in scheduled foreign air transportation of persons, property, and mail:

Between a point or points in the United States; the intermediate point Frankfurt, Germany; and the terminal point Kiev, Ukraine.

This authority is subject to the following conditions:

- (1) 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.
- (2) The holder shall at all times conduct its operations in accordance with all treaties and agreements between the United States and other countries, and the exercise of the privileges granted by this certificate is subject to compliance with such treaties and agreements and with any order of the Department of Transportation issued under them. To the extent that the holder has authority to serve more than one country or points in more than one country on the same route segment, that authority does not confer upon the holder any additional rights (including fifth-freedom intermediate and/or beyond rights) in limited-entry markets unless the Department has completed any necessary carrier selection procedures to determine which carrier(s) should be authorized to exercise such rights and has notified the foreign country(ies) involved that any such selected carrier(s) has the required authority. In such cases, the fact that the carrier may hold authority to serve the countries (points) at issue on the same segment will not be considered as providing any preference to the holder in a carrier selection proceeding.
- (3) The exercise of the authority granted here is subject to the holder's first obtaining from the appropriate foreign governments such operating rights as may be necessary.
- (4) The holder acknowledges that this certificate is granted to determine if the holder's projected services, efficiencies, methods, rates, fares, charges, and other projected results will, in fact, materialize and remain for a sustained period of time, and to determine whether the holder will provide the innovative and low-priced air transportation it proposed in its application for authority.

(5) The holder's authority is effective only to the extent that such operations are also authorized by the Federal Aviation Administration (FAA), and comply with all FAA requirements concerning security.

(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 49 U.S.C. or the Department's regulations shall be sufficient grounds to revoke this certificate.

(8) Should the holder propose any substantial changes in its ownership, management, or operations (as that term is defined in 14 CFR 204.2(n)), it must first comply with the requirements of 14 CFR 204.5.

(9) In the event that the holder ceases all operations for which it was found "fit, willing, and able," its authority under this certificate 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.

(10) The holder may combine services on this certificate with all services authorized by other Department of Transportation certificates or exemptions, provided, that such operations are consistent with the applicable bilateral aviation agreements; and provided further, that (a) nothing in the award of the route integration authority requested should be construed as conferring upon the holder additional rights (including fifth-freedom intermediate and/or beyond rights) to serve markets where U.S. carrier entry is limited unless the holder first notifies us 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 the holder's authority by virtue of the route integration authority granted here, but not being used, the holder of such authority by route integration will not be considered as providing any preference for the holder in a competitive carrier selection proceeding to determine which carrier(s) should be entitled to use the authority at issue.

*As reissued by
Order 2000-8-19
Route 669
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This certificate shall become effective **August 22, 2000.** It shall
expire five years thereafter unless the Departments earlier suspends, modifies, or deletes the
authority.

*This certificate, issued by Order 95-7-36, is reissued to reflect renewal of authority in the U.S.-Kiev market for an additional five years. The reissued certificate also incorporates revised standard terms and conditions applicable to U.S. carriers.