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Order 2000-10-25

Served: October 24, 2000



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

Issued by the Department of Transportation  
on the 9th day of August, 2000

Application of

**AIR-SERV., INC. d/b/a AIRSERV**

Docket OST-00-7231-9

for a certificate of public convenience and necessity under  
49 U.S.C. 41102 to engage in foreign charter air  
transportation of persons, property and mail

**ORDER ISSUING FOREIGN CERTIFICATE**

By Order 00-8-10, issued August 9, 2000 we found Air-Serv., Inc. d/b/a AirServ, d/b/a Indigo, L.L.C., and d/b/a NewWorldAir Holdings, Inc., fit willing, and able to engage in interstate and foreign charter air transportation of persons, property and mail. Further, by that order, we issued a certificate of public convenience and necessity authorizing AirServ to engage in interstate charter air transportation of persons, property and mail.

By this order we are issuing a companion certificate authorizing AirServ to engage in foreign charter air transportation. Instead of repeating our findings and conclusions in Order , we incorporate them here by reference.

**ACCORDINGLY,**

1. We issue a certificate of public convenience and necessity to Air-Serv., Inc. d/b/a AirServ, d/b/a Indigo, L.L.C., and d/b/a NewWorldAir Holdings, Inc., engage in foreign charter air transportation of persons, property and mail in the form and subject to the Terms, Conditions, and Limitations attached.

2. Unless disapproved by the President of the United States under 49.U.S.C. 41307, this order shall become effective on the 61<sup>st</sup> 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.<sup>1</sup>

<sup>1</sup> This order was submitted for section 41307 review on August 9, 2000. On October 18, 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

3. We direct Air-Serv., 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 certificated operations.<sup>2</sup>
4. We will serve a copy of this order on the persons listed in Attachment A to this order.

By:

**A. BRADLEY MIMS**  
Acting Assistant Secretary for Aviation  
and International Affairs

(SEAL)

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<sup>2</sup> The report should 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, a balance sheet as of the end of the company's first full year of actual flight operations and a twelve month income statement ending that same date, and a listing of current senior management and key technical personnel. The carrier should also be prepared to meet with staff members of the Fitness Division to discuss its current and future operations.



**Certificate of Public Convenience and Necessity  
for  
Foreign Charter Air Transportation**

*This Certifies That*

**AIR-SERV., INC.  
d/b/a AIRSERV  
d/b/a INDIGO, L.L.C.  
d/b/a NEWWORLDAIR HOLDINGS, 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 foreign charter 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 2000-10-25  
On August 9, 2000  
Effective on October 18, 2000*

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



*Terms, Conditions, and Limitations*

**AIR-SERV., INC. d/b/a AIRSERV  
d/b/a INDIGO, L.L.C.  
d/b/a NEWWORLD AIR HOLDINGS, INC.**

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

*Between any place in the United States and any place outside thereof.*

*This authority is subject to the following provisions:*

- (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 or for the purpose of requiring compliance with them.*
- (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 under this certificate 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 may not operate aircraft designed to have a maximum passenger capacity of more than thirty (30) seats. In the event that the holder wishes to institute operations with aircraft having a larger capacity, it must first be determined fit for such operations.*
- (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) 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.*

*(9) In the event that the holder commences but subsequently 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.*