



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

Issued by the Department of Transportation
on the **13th day of August, 2002**

JOINT APPLICATION OF ALOHA AIRLINES, INC.,	:	Served: August 13, 2002
And	:	
HAWAIIAN AIRLINES, INC.,	:	Docket OST-
	:	2002-13002
under Section 116 of the Aviation and Transportation	:	
Security Act of 2001 for Approval of and	:	
Antitrust Exemption for Agreement	:	

NOTICE

On July 31, 2002, Aloha Airlines and Hawaiian Airlines applied for approval and antitrust immunity for an agreement whereby the two airlines would coordinate capacity on five major routes within Hawaii. They applied for approval and antitrust immunity under section 116 of the Aviation and Transportation Security Act of 2001, P.L. No. 107-71, 115 Stat. 624 (November 19, 2001), which authorizes the Secretary, notwithstanding the provisions of 49 U.S.C. 41309(a), to approve and grant antitrust immunity to an agreement governing air transportation within a single state, if the Governor of the state has issued a declaration that the agreement is necessary to ensure the continuing availability of such air transportation within the state. The Governor of Hawaii has made such a declaration.

Any grant of approval and antitrust immunity would be made under 49 U.S.C. 41308 and 41309 under the standards set by section 116. As provided by our procedural rules for such applications, 14 C.F.R. Part 303, we have reviewed the application and determined that it is substantially complete. Answers would normally be due twenty-one days from the date of adoption of this notice. The statute, however, requires that any decision approving and granting antitrust immunity be made by October 1, 2002. To enable us to fully consider any comments and make our determination before this deadline, we will give commenters fifteen days to file answers to the application.

While we have concluded that the application is substantially complete, we reserve the right to require the filing of any additional information deemed relevant to this proceeding at any time.

By:

READ C. VAN DE WATER
Assistant Secretary
for Aviation and International Affairs

(SEAL)

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