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Order 2001-12-19
Erratum

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

Issued by the Department of Transportation
on the 27th day of December, 2001

CANADA 3000

**Violations of 49 U.S.C. §§41301 and
41712 and 14 CFR Parts 212, 216, and
380**

SERVED DEC. 31, 2001

CONSENT ORDER

By this order, we find that Canada 3000, a Canadian air carrier that holds permit authority issued by this Department, has violated 49 U.S.C. §41301, 14 CFR Parts 212, 216, and 380, and 49 U.S.C. §41712 by holding out and engaging in unauthorized air transportation. We order Canada 3000 to cease and desist from such violations, as discussed below. This order also assesses a civil penalty of \$25,000, payable if Canada 3000 should resume operating to or from the United States.

Foreign air carriers are required by 49 U.S.C. §41301 to hold authority from the Department in order to engage in foreign air transportation. Canada 3000's foreign air carrier permit authorizes it "to engage in charter trips in foreign air transportation, subject to the terms, conditions, and limitations of the Department's regulations governing charters" (Order 98-11-12 (November 16, 1998)). The Department's Charter Rules for U.S. and Foreign Direct Air Carriers, 14 CFR Part 212, require Canada 3000 to obtain a statement of authorization for each fifth-freedom charter flight to or from the United States (§212.9(b)(1)). Additionally, the Department's rules for Commingling of Blind Sector Traffic by Foreign Air Carriers, 14 CFR Part 216, require prior authorization in order for Canada 3000 to commingle blind-sector Canada-Australia passengers with Canada-Hawaii passengers (§216.3). The