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

Issued by the Department of Transportation on February 7, 2001

## NOTICE OF ACTION TAKEN -- DOCKET OST-98-4833 - //

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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 **Northwest Airlines, Inc.** filed **12/15/00** and amended **1/12/01** to:

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

**Scheduled foreign air transportation of persons, property, and mail between Newark, New Jersey, on the one hand, and Rio de Janeiro and Sao Paulo, Brazil; Bogota, Colombia; Quito and Guayaquil, Ecuador; and Lima Peru, on the other; and between Houston, on the one hand, and Bogota, Colombia; Quito and Guayaquil, Ecuador; and Lima Peru, on the other. Northwest intends to operate these services pursuant to a code-share arrangement with Continental Airlines.**

XX Amend exemption under 49 U.S.C. 40109 to:

**Integrate the above authority with its existing exemption and certificate authority.**

XX Waiver 14 CFR 377.10(c)

Applicant rep: **Megan Rae Rosia (202) 842-3193** DOT Analyst: **Sylvia Moore (202) 366-6519**

### DISPOSITION

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

The above action granting exemption authority was effective when taken: **February 7, 2001,** through **February 7, 2003**

The above action granting the waiver was effective: **January 29, 2001**. (See remarks.)

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

XX **The authority granted is consistent with the aviation agreements between the United States and Brazil; the United States and Colombia, as amended November 22, 2000; the United States and Peru; and the United States and Ecuador.**

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated: XX **Holder's certificates of public convenience and necessity**
XX **Standard exemption conditions (attached)**

(See Reverse Side)

**Conditions:** (1) The code-share operations conducted under this authorization must comply with 14 CFR Part 257 and with any amendments to the Department's regulations concerning code-share arrangements that may be adopted. Notwithstanding any provisions in the contract between the carriers, our approval here is expressly conditioned upon the requirements that the subject foreign air transportation be sold in the name of the carrier holding out such service in computer reservation systems and elsewhere; that the carrier selling such transportation (i.e., the carrier shown on the ticket) accept responsibility for the entirety of the code-share journey for all obligations established in its contract of carriage with the passenger; and that the passenger liability of the operating carrier be unaffected.

(2) The authority granted here is specifically conditioned so that neither Northwest Airlines nor Continental Airlines shall give any force and effect to any contractual provisions between themselves that are contrary to these conditions.

(3) The authority granted is limited to operations provided on a code-share basis with Continental Airlines.

The route integration authority requested is granted 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 Northwest rights (including fifth freedom intermediate and/or beyond rights) to serve markets where U.S. carrier entry is limited unless Northwest notifies us of its intent to serve such a market and unless and until the Department has completed any necessary 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 Northwest's authority by virtue of the route integration exemption granted here, but that are not then being used by Northwest, the holding of such authority by route integration will not be considered as providing any preference for Northwest in a competitive carrier selection proceeding to determine which carrier(s) should be entitled to use the authority at issue.

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**Remarks:** Northwest's application in this docket also included a request to operate similar services in the U.S.-Venezuela market. That request remains pending.

Northwest requested a waiver from the 60-day advance filing requirements of 14 CFR 377 to ensure that its Colombia authority would continue in effect beyond the expiration date (February 17, 2001), pending action on its renewal application. On January 29, 2001, we orally granted the request. We confirm that action here.

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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) our action was consistent with Department policy; (2) grant of the exemption authority 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, 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.

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*

**APPENDIX**

## U.S. CARRIER
## Standard Exemption Conditions

In the conduct of operations authorized by the attached notice, the applicant(s) shall:

(1) Hold at all times effective operating authority from the government of each country served;

(2) Comply with applicable requirements concerning oversales contained in 14 CFR 250 (for scheduled operations, if authorized);

(3) Comply with the requirements for reporting data contained in 14 CFR 241;

(4) Comply with requirements for minimum insurance coverage, and for certifying that coverage to the Department, contained in 14 CFR 205;

(5) Except as specifically exempted or otherwise provided for in a Department Order, comply with the requirements of 14 CFR 203, concerning waiver of Warsaw Convention liability limits and defenses;

(6) Comply with the applicable requirements of the Federal Aviation Administration Regulations, including all FAA requirements concerning security; and

(7) Comply with such other reasonable terms, conditions, and limitations required by the public interest as may be prescribed by the Department of Transportation, with all applicable orders and regulations of other U.S. agencies and courts, and with all applicable laws of the United States.

The authority granted shall be effective only during the period when the holder is in compliance with the conditions imposed above.