



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

Issued by the Department of Transportation on March 15, 2001

NOTICE OF ACTION TAKEN -- DOCKET OST-97-2447

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 **Continental Air Lines, Inc.** filed **2/23/01** 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 (1) New York/Newark and Guayaquil, Ecuador, via Panama City, Panama, and (2) between New York/Newark and Quito, Ecuador, via Bogota, Colombia.

XX Renew allocation of 14 weekly combination New York-Ecuador frequencies to operate the above service (7 frequencies in each market)

Applicant rep.: **R. Bruce Keiner, 202-624-2615** DOT analyst: **Sylvia Moore, 202-366-6519**

DISPOSITION

XX Exemption authority granted (see below)

XX Balance dismissed (i.e., renewal of frequency allocation)

The exemption authority granted was effective when taken: **March 15, 2001**, through **March 15, 2003**

**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 Ecuador, the United States and Colombia, and the United States and Panama.

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)

Dismissal: We dismissed as moot that portion of Continental's application seeking renewal of the 14 New York/Newark-Ecuador frequencies. By Notice of Action Taken dated May 10, 1999, in this docket, we renewed for an indefinite duration the frequencies allocated to Continental for these services, provided that Continental continues to hold the necessary underlying authority to serve the U.S.-Ecuador market. Thus, no further renewal of the frequency allocation is necessary.

(See Reverse Side)

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 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 or dismissed, 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.