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Order 2001-11-13

Served: December 3, 2001

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

Issued by the Department of Transportation
on the 26th day of September, 2001

Application of **BIZ JET SERVICES, INC.** 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	**Docket OST-01-9881-13**

ORDER ISSUING FOREIGN CERTIFICATE

By Order 2001-9-19, issued September 26, 2001, we found Biz Jet Services, Inc. (Biz Jet) fit, willing, and able to engage in interstate and foreign charter air transportation of persons, property, and mail. By that order, we issued a certificate of public convenience and necessity authorizing Biz Jet to engage in interstate charter air transportation.

By this order, we are issuing a companion certificate authorizing Biz Jet to engage in foreign charter air transportation. Instead of repeating our findings and conclusions in Order 2001-9-19, we incorporate them here by reference.

ACCORDINGLY,

1. We issue a certificate of public convenience and necessity in the form attached to Biz Jet Services, Inc., to engage in foreign charter air transportation.

2. Unless disapproved by the President of the United States under section 41307 of the Statute, this order shall become effective on the 61st 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.[1]

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[1] This order was submitted for section 41307 review on September 26, 2001. On November 28, 2001, 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 Biz Jet Services, 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.[2]

4. We will serve a copy of this order on the persons listed in Attachment A.

By:

SUSAN McDERMOTT
Deputy Assistant Secretary for
Aviation and International Affairs

(SEAL)

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[2] The report shall include a description of Biz Jet'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, current financial statements (including a balance sheet at the end of its first year of flight operations and a 12-month income statement ending that same date), and a listing of current senior management and key technical personnel.

Certificate of Public Convenience and Necessity
for
Foreign Charter Air Transportation

This Certifies That

BIZ JET SERVICES, 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 2001-11-13
On September 26, 2001
Effective on (See Attached)

Susan McDermott
Deputy Assistant Secretary for
Aviation and International Affairs

Issued by
Order 2001-11-13

Attachment

Terms, Conditions, and Limitations

BIZ JET SERVICES, 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 authority to operate under this certificate will not become effective until six (business) days after the Department has received the following documents; provided, however, that the Department may stay the effectiveness of this authority at any time prior to that date:

(a) A copy of the holder's Air Carrier Certificate and Operations Specifications authorizing such operations from the Federal Aviation Administration (FAA).

(b) A certificate of insurance on OST Form 6410 evidencing liability insurance coverage meeting the requirements of 14 CFR 205.5(b) for all of its aircraft.

(c) A statement of any changes the holder has undergone in its ownership, key personnel, operating plans, financial posture, or compliance history, since the date of the Show Cause Order in this case.

(d) A revised list of pre-operating expenses already paid and those remaining to be paid, as well as independent verification that the holder has available to it funds sufficient to cover any remaining pre-operating expenses and to provide a working capital reserve equal to the operating costs that would be incurred in three months of operations.

(2) Pending receipt of effective authority, the holder may not accept payment of any kind (i.e., cash, check, or credit card), issue tickets for the operations proposed under this certificate, or enter into contracts with charter operators, and any advertisement by the holder must prominently state: "This service is subject to receipt of government operating authority."

(3) The effectiveness of the authority contained in this certificate is conditioned upon the holder's continuing existence as a wholly owned subsidiary of UAL Corporation.

(4) The operations authorized by this certificate are restricted to those performed with aircraft designed to have a maximum passenger capacity of 60 seats or a maximum payload capacity of 18,000 pounds.

(5) 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.

(6) 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.

(7) 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.

(8) The holder's authority is effective only to the extent that such operations are also authorized by the FAA, and comply with all FAA requirements concerning security.

(9) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).

(10) 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.

(11) 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.

(12) In the event that the holder does not commence actual flying operations under this certificate within one year of the date of the Department's determination of its fitness, its authority shall be revoked for dormancy, unless the holder is conducting operations under another type of certificate authority. Further, in the event that the holder commences operations for which it was found "fit, willing, and able" and subsequently ceases all such operations, its authority under all certificates held 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.

Attachment A

SERVICE LIST FOR BIZ JET SERVICES, INC.

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