



U.S. Department of  
Transportation

Office of the Secretary  
of Transportation

DOCUMENTARY SERVICE DIVISION  
Washington, D.C. 20590

97-44

Weekly Summary of Orders and  
Regulations

OCTOBER 27 - OCTOBER 31, 1997

Order	Docket	Summary	Date Action Taken
-------	--------	---------	-------------------

97-10-15	OST-97-2867 OST-97-2997 OST-97-3047 (EAS-504)	<p>(#) Published in the Federal Register. NINETY-DAY NOTICE OF BUSINESS EXPRESS AIRLINE, INC. d/b/a DELTA CONNECTION AND NORTHWEST AIRLINK UNDER 49 U.S.C. 41731 <i>et seq.</i>; APPLICATION OF BUSINESS EXPRESS AIRLINES, INC. d/b/a DELTA CONNECTION AND NORTHWEST AIRLINK FOR AN EXEMPTION FROM THE 90-DAY NOTICE REQUIREMENT UNDER 49 U.S.C 41731 <i>et seq.</i>; ESSENTIAL AIR SERVICE AT MANCHESTER, NEW HAMPSHIRE UNDER 49 U.S.C. 41731 <i>et seq.</i></p> <p>The Department, under authority delegated in 49 CFR 1.56(i), hereby removes the essential air service determination for Manchester, New Hampshire and will grant Business Express's application to reduce scheduled service in the Manchester-Boston market to one round trip a day effective November 1, 1997. The Department will take no action prohibiting Business Express from terminating its service in the Manchester-Boston market effective December 1, 1997.</p> <p>Served 10-29-97</p> <p>Intervening numbers appeared in a previous issue</p>	10-23-97
----------	--	--	----------

Order	Docket	Summary	Date Action Taken
97-10-20	UNDOC'D	<p>EXEC EXPRESS II, INC., d/b/a LONE STAR AIRLINES d/b/a ASPEN MOUNTAIN AIR VIOLATIONS OF 49 U.S.C. 41101 AND ORDER 94-9-5</p> <p>The Department approves this settlement and the provisions of this order as in the public interest and finds that Exec Express II, Inc., violated 49 U.S.C. Section 41101 and Order 94-9-5 by performing service with an aircraft fleet whose size exceeded the limits imposed by that order without prior economic approval by the Department. Therefore, Exec Express II, Inc., is ordered to cease and desist from further violations of 49 U.S.C. Section 41101 and Order 94-9-5 as described and is assessed \$18,000 in compromise of civil penalties that might otherwise be assessed for the violations found in the ordering paragraph of this order. Served 10-27-97</p>	10-27-97
97-10-21	OST-97-2694	<p>ESSENTIAL AIR SERVICE AT PAGE, ARIZONA UNDER 49 U.S.C. 41731 <i>et seq.</i>;</p> <p>The Department finds that Scenic Airlines continues to be fit, willing and able to operate as a commuter air carrier and capable of providing essential air service at Page, Arizona and therefore is selecting Scenic Airlines, Inc., to provide subsidized essential air service at Page, Arizona, for the two-year period beginning January 1, 1998, through December 31, 1999. Also, the subsidy rate for Scenic Airlines' provision of essential air service at Page, Arizona, set by the ordering paragraph of Order 97-9-8, effective December 31, 1997, is terminated. Served 11-3-97</p>	10-28-97

Order	Docket	Summary	Date Action Taken
97-10-22	OST-97-2256	<p>APPLICATION OF CUSTOM AIR TRANSPORT, 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</p> <p>The Department finds Custom Air Transport, Inc., fit, willing, and able to engage in interstate and foreign charter air transportation of persons, property, and mail and therefore issues a certificate of public convenience and necessity to the airline to engage in foreign charter air transportation, subject to Terms, Conditions, and Limitations. Once its certificate becomes effective, should Custom Air Transport, Inc., propose to utilize more than seven aircraft in its operations (five cargo and two passenger aircraft), it must notify the Department in writing at least 45 days in advance and demonstrate its fitness for such operations prior to placing the additional aircraft into service.</p> <p>Served 10-29-97</p>	10-2-97
97-10-23	OST-97-2764 OST-97-2646	<p>JOINT APPLICATION OF FEDERAL EXPRESS CORPORATION AND FLORIDA WEST INTERNATIONAL AIRWAYS, INC. FOR APPROVAL OF A TRANSFER OF ROUTE AUTHORITY PURSUANT TO 49 U.S.C. SECTION 41105 (U.S.-COLOMBIA ALL-CARGO); IN THE MATTER OF THE APPLICATION OF FLORIDA WEST INTERNATIONAL AIRWAYS, INC. FOR RENEWAL OF CERTIFICATE AND EXEMPTION AUTHORITY</p> <p>The Department approves that portion of Florida West's renewal application in Docket OST-97-2646 to the extent that it seeks renewal of its U.S.-Colombia operating</p> <p>Continued.....</p>	10-23-97

Order	Docket	Summary	Date Action Taken
97-10-23	OST-97-2764 OST-97-2646	Continued..... authority, and approves the Joint Application of Federal Express Corporation (Federal Express) and Florida West International Airways, Inc. (Florida West) for the transfer to Federal Express of Florida West's certificate authority on Route 599 to provide scheduled all-cargo foreign air transportation between the United States and Colombia. Served 10-29-97	10-23-97
97-10-24	UNDOC'D	CONTINENTAL AIRLINES, INC. VIOLATIONS OF 49 U.S.C. SECTION 41712, 14 CFR PART 399 AND ORDERS 90-3-8 AND 95-1-39 The Department approves this settlement and the provisions of this order as being in the public interest and finds that Continental Airlines, Inc. violated 14 CFR 399.84 by causing to be published an advertisement that failed to state the entire price to be paid by the customer to the air carrier for certain air transportation. By engaging in the conduct and violation described, Continental Airlines, Inc., is found to have also violated 49 U.S.C. Section 41712 and the cease and desist provisions of Orders 90-3-8 and 95-1-39, therefore, Continental Airlines, Inc., and all other entities owned or controlled by or under common ownership with Continental Airlines, Inc., and their successors and assignees, are ordered to cease and desist from violations of 49 U.S.C. Section 41712, 14 CFR 399.84, and Orders 90-3-9 and 95-1-39 and is assessed \$18,000 in compromise of civil penalties that might otherwise be assessed for the violations found in this order. Served 10-31-97	10-31-97

Order	Docket	Summary	Date Action Taken
		Intervening numbers have not been issued	
97-11-3	OST-97-2888	<p>COMPLAINT OF UNITED AIR LINES, INC. AGAINST THE GOVERNMENT OF THE RUSSIAN FEDERATION UNDER 49 U.S.C. SECTION 41310</p> <p>The Department extends through December 8, 1997, the deadline for taking action on the complaint of United Air Lines, Inc., in Docket OST-97-2888. It grants the motions of Alaska Airlines, Inc., for leave to file a late answer in Docket OST-97-2888 ; and the motion of United Air Lines, Inc., for leave to file an otherwise unauthorized response in Docket OST-97-2888.</p> <p>Served 11-7-97</p>	11-4-97
97-11-4	OST-97-2924	<p>The Department approves and grants antitrust immunity to the IATA Agreement, subject, where applicable, to conditions previously imposed which increases fares from Swaziland to most points throughout the world, including U.S. points, by ten percent. Although the increase affects fares to United States points, the Department will not attach its usual condition regarding adherence to Standard Foreign Fare Level criteria since there are no direct services offered between the United States and Swaziland.</p> <p>Served 11-10-97</p>	11-4-97
97-11-5	OST-97-2058	<p>JOINT APPLICATION OF AMERICAN AIRLINES, INC. AND BRITISH AIRWAYS PLC UNDER 49 U.S.C. SECTIONS 41308 AND 41309 FOR APPROVAL OF AND ANTITRUST IMMUNITY FOR ALLIANCE AGREEMENT</p> <p>The Department accepts the petitions of American Airlines, Inc., and British Airways PLC for reconsideration of Order 97-9-4, to the extent necessary to allow the Department's Staff to review the documents</p> <p>Continued.....</p>	11-4-97

Order	Docket	Summary	Date Action Taken
97-11-5	OST-97-2058	Continued..... described. The Department directs American Airlines, Inc. to submit to the Department the documents identified in its July 25, 1997, index as Item III.78 (identified as AA0029588-619), and Item III.84 (identified as AA0025839-43); and directs British Airways PLC to submit to the Department the document identified in its April 7, 1997, submission as Item 18 (identified as BAP135308 - 135352). Served 11-4-97	11-4-97
97-11-6	OST-97-2826	The Department approves and grants antitrust immunity to the IATA Agreement, subject, where applicable, to conditions previously imposed which consists of a number of amended resolutions and recommended practices (R.P.s) affecting cargo business processes. These changes include the addition of three shipping information boxes to air waybill examples set forth in Resolution 600a and Recommended Practices 1600b, 1600b (II) and 1660s. Served 11-10-97	4-11-97
97-11-7	OST-97-3007	The Department approves and grants antitrust immunity to the IATA Agreement, subject, where applicable, to conditions previously imposed which revises the existing IATA-agreed North Atlantic fare structure by introducing fares for travel from Algiers to New York. Since there are no direct services currently offered between the U.S. and Algeria, however, it will not attach its usual condition regarding adherence to Standard Foreign Fare Level criteria to its approval of the agreement. Served 11-10-97	11-4-97
ORDERS NOT RELEASED AS OF 10-31-97: 97-11-1 AND 97-11-2			