



Office of the Secretary
of Transportation

U.S. DEPARTMENT OF TRANSPORTATION
DOCKETS
Washington, D.C. 20590

98-34

Weekly Summary of Orders and
Regulations

AUGUST 17 – AUGUST 21, 1998

Order	Docket	Summary	Date Action Taken
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(#) Published in the Federal Register.

98-8-13	UNDOC'D	<p>MAGADAN AIRLINES, INC. VIOLATIONS OF 49 U.S.C. SECTIONS 41301, 41712, ORDER 96-12-37 AND 14 CFR 212.4</p> <p>The Department approves this settlement and, (1) finds that Magadan Airlines, Inc. has violated 49 U.S.C. Section 41301 by advertising, accepting reservations, selling tickets for and operating foreign scheduled passenger air transportation without the requisite authority from the Department; and (2) violated Order 96-12-37 and 14 CFR 212.4 by advertising selling and operating foreign scheduled passenger air transportation using the code of Aeroflot-Russian International Airlines without obtaining from the Department the requisite code-share authority as required. By engaging in the conduct and violations described, Magadan Airlines, Inc. has engaged in unfair and deceptive practices and unfair methods of competition in violation of 49 U.S.C. Section 41712. Therefore, Magadan Airlines, Inc. and all other entities owned or controlled by or under common ownership with it, and their successors and assignees, are ordered to cease and desist from the violations and is assessed \$1,000 in compromise of civil penalties that might otherwise be assessed for the violations. Served 8-12-98</p>	8-12-98
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Order	Docket	Summary	Date Action Taken
98-8-14	OST-97-2784 AND EAS 598	<p>ESSENTIAL AIR SERVICE AT KEENE, NEW HAMPSHIRE UNDER 49 U.S.C. 41731 <i>et seq.</i></p> <p>The Department is terminating Colgan Air's subsidy rate to provide essential air service to serve Keene, New Hampshire, on September 1, 1998, and allowing Colgan to suspend service on that date.</p> <p>Served 8-18-98</p>	8-13-98
98-8-15	OST-98-4045	<p>ESSENTIAL AIR SERVICE AT PELLSTON, MICHIGAN UNDER 49 U.S.C. 41731 <i>et seq.</i></p> <p>The Department will allow Great Lakes Aviation, Ltd., d/b/a United Express to terminate its essential air service at Pellston, Michigan, at the end of its 90-day notice period, but denys its request to terminate before the full 90-day period. The community's essential air service (EAS) determination will be amended by making Minneapolis/St. Paul an alternate hub removing the requirement that Pellston receive air service to two hubs.</p> <p>Served 8-18-98</p>	8-13-98
98-8-16	OST-97-3011	<p>JOINT APPLICATION OF AMERICAN INTERNATIONAL AIRWAYS, INC. AND KITTY HAWK AIRCARGO, INC. FOR APPROVAL OF A TRANSFER OF ROUTE AUTHORITY UNDER 49 U.S.C. 41105</p> <p>The Department, (1) finds that Kitty Hawk Aircargo, Inc. and American International Airways, Inc. ("AIA") continue to be fit to conduct the air transportation operations for which they hold economic authority; and (2) grants a <i>de facto</i> transfer under Section 41105 of Title 49 of the U.S. C. of the certificate and other economic authorities held by AIA and a related air taxi operator, Kalitta Flying Service, Inc.,("KFS"), to AIA and KFS,</p> <p>Continued.....</p> <p>Continued.....</p>	6-23-98

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98-8-16	OST-97-3011	respectively, under the ownership of Kitty Hawk, Inc., (“K HI”), the holding company parent of Kitty Hawk. Served 8-19-98	6-23-98
98-8-17	OST-98-4017	The Department approves and grants antitrust immunity to the IATA Agreement, subject, where applicable, to conditions previously imposed which changes the default condition for stopovers in Resolution 100, <u>Standard Condition Resolution for Special Fares</u> , from “permitted” to “not permitted”. Served 8-20-98	8-14-98
98-8-18	OST-97-2560 OST-97-2569 OST-98-3654 OST-97-2626	AMERICAN AIRLINES, INC.; DELTA AIR LINES, INC.; DHL AIRWAYS, INC.; UNITED PARCEL SERVICE CO. FOR NEW, AMENDED, AND/OR RENEWED CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY OF PERSONS, PROPERTY, AND MAIL AND/OR ALL-CARGO PURSUANT TO 49 U.S.C. 41102 (U.S.-MEXICO) The Department amends, issues, or reissues, certificates of public convenience and necessity to the applicants listed in the caption order, effective 30 days after the service date of this order and subject to the extension of those effective dates in accordance with the provisions of the certificate and certificate amendments. The department dismisses (1) the request of Delta Air Lines, Inc., in Docket OST-97-2569, for certificate authority to serve the Los-Angeles-Mazatlan market; (2) the request of DHL Airways, Inc., in Docket OST-98-3654, for longer-term authority; and (3) as moot, the request of United Parcel Service Co., in Docket OST-97-2626 for integration authority. Served 8-21-98	6-23-98
98-8-19	OST-97-2941	APPLICATION OF PLANET AIRWAYS, INC. FOR A CERTIFICATE OF PUBLIC	6-26-98

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CONVENIENCE AND NECESSITY
 UNDER 49 U.S.C. 41102 TO ENGAGE I N
 FOREIGN CHARTER AIR
 TRANSPORTATION OF PERSONS,
 PROPERTY, AND MAIL

The Department issues a certificate of public convenience and necessity to Planet Airways, Inc., to engage in foreign charter air transportation of persons, property, and mail in the form and subject to Terms, Conditions, and Limitations. Should Planet Airway, Inc. propose to operate more than one aircraft, it is directed to notify the Department in writing at least 45 days prior to the proposed operation and demonstrate its fitness to conduct such operations before their commencement. It is also directed to submit to the Air Carrier Fitness Division a first year progress report within 45 days following the end of its first year of actual flight operations.

Served 8-21-98

98-8-20	45922 OST-96-2020 OST-96-1381 OST-96-1380 OST-96-1235 OST-95-911 OST-95-234 49288 46979 44068 OST-96-1279 OST-97-2167 OST-95-624 OST-97-2528 50146 46770 OST-97-2071 OST-96-1041	The Department, acting under authority assigned in its Regulations, 14 CFR Section 385.13, dismisses the application described in the appendix to this order. Served 8-25-98	8-19-98
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98-8-21	OST-97-2784	ESSENTIAL AIR SERVICE AT RUTLAND,	8-19-98
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Order	Docket	Summary	Date Action Taken
		<p>VERMONT UNDER 49 U.S.C., 41731 <i>et seq.</i> The Department is setting a new final annual rate of \$909,439 for Colgan Air, Inc., for its essential air service (EAS) at Rutland, Vermont for four nonstop round trips per day to Boston, effective September 1, 1998, until further Department action. The current rate set by Order 98-6-30 will expire on August 31, 1998, by the terms of Order 98-8-14. Served 8-25-98</p>	
98-8-22	OST-98-4279	<p>The Department approves and grants antitrust immunity to the IATA Agreement, subject, where applicable, to conditions previously imposed which increases all passenger fares and cargo rates, except add-ons and related charges, from Papua New Guinea to points throughout the world, including U.S. points, by seventy-five percent to offset the continued depreciation of the Papua New Guinea Kina. Served 8-25-98</p>	8-19-98
98-8-23	OST-98-3876	<p>APPLICATION OF SHUTTLE AMERICA CORPORATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER 49 U.S.C. 41102 TO ENGAGE IN INTERSTATE SCHEDULED AIR TRANSPORTATION OF PERSONS, PROPERTY, AND MAIL</p> <p>The Department tentatively finds that Shuttle America Corporation is fit, willing, and able to provide interstate scheduled air transportation of persons, property, and mail as a certified air carrier and directs all interested persons to show cause why it should not issue orders making final the</p> <p>Continued..... Continued.....</p>	8-19-98
98-8-23	OST-98-3876	tentative findings and conclusions. Interested	8-19-98

Order	Docket	Summary	Date Action Taken
98-8-24	41480 46515 48367 OST-95-317	<p data-bbox="683 247 1295 499">persons having objections to the issuance of orders making final the tentative findings and conclusions are directed to file them with the Department no later than 14 calendar days after the service date of this order; answers to objections are due 7 calendar days thereafter. Served 8-20-98</p> <p data-bbox="683 541 1295 1060"> IN THE MATTER OF THE REVOCATION OF THE INTERSTATE AND FOREIGN SCHEDULED AND CHARTER AIR TRANSPORTATION CERTIFICATES ISSUED UNDER 49 U.S.C. 41102 TO MILLON AIR, INC. PURSUANT TO THE PROVISIONS OF SECTION 204.7 OF THE DEPARTMENT'S AVIATION REGULATIONS The Department lifts the stay granted by Order 98-4-9 and makes final the revocation of the domestic all-cargo certificate issued to Millon Air, Inc., by Order 84-11-101. Served 8-20-98 </p>	8-20-98