

Order 97-8-17

Served: August 22, 1997

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



Issued by the Department of Transportation
on the 18th day of August, 1997

Applications of

Alaska Airlines, Inc.

Dockets OST-97-2748

America West Airlines, Inc.

OST-97-2672

American Airlines, Inc.

OST-97-2561

OST-96-1614

Continental Airlines, Inc.

OST-97-2657

OST-97-2274

Emery Worldwide Airlines, Inc.

OST-97-2206

Federal Express Corporation

OST-96-1603

OST-95-325

Northwest Airlines, Inc.

OST-97-2265

Polar Air Cargo, Inc.

OST-97-2513

Southern Air Transport, Inc.

OST-97-2636

Tower Air, Inc.

OST-97-2562

OST-97-2627

United Air Lines, Inc.

OST-97-2721

United Parcel Service Co.

US Airways, Inc.

for exemptions or authorities under 49 U.S.C. section
40109 and the orders and regulations of the
Department of Transportation

ORDER

The captioned U.S. air carriers have applied for various forms of authority or relief from Title 49 of the U.S. Code of regulations or orders of the Department in order to perform the air transportation activities shown in the attached Notices of Action Taken. Except as noted, no answers were filed to these requests. Because of the imminence of these operations, we approved them by telephone, subject to adherence, by each applicant, to the conditions set forth in its certificate(s) of public convenience and necessity, and/or conditions attached.

We carefully considered the information set forth in each application described in the attached Notices of Action Taken, and we found that each of the proposed operations was consistent with the public interest and was consistent with an applicable bilateral aviation agreement and/or the aviation relationship between the United States and the foreign country involved, that each applicant was qualified to perform its proposed operations, and that each application should be approved.

Under authority assigned by the Department in its Regulations, 14 CFR Part 385, we found that for each operation (1) immediate action was required and was consistent with Department policy; (2) grant of the exemption or authority was consistent with the public interest; and (3) grant of this authority would not constitute a major regulatory action under the Energy Policy and Conservation Act of 1975.¹

ACCORDINGLY,

1. We confirm the actions described in the attached Notices of Action Taken, which granted the referenced U.S. air carriers (1) exemptions from the provisions of Section 41101 and where necessary 41504 or as noted in the attached notices, other sections of Title 49 U.S.C.; or (2) relief or authorizations as provided for under regulations or orders of the Department, to the applicants to perform the operations described in the attached Notices of Action Taken;
2. In the conduct of the service, each applicant was to adhere to the conditions set forth in the Appendix, and to any other conditions as noted in the attached Notices of Action Taken;

¹ On the basis of data officially noticeable under Rule 24(n) of the Department's regulations, we found that each U.S. air carrier applicant for an operating exemption is qualified to provide the services authorized.

3. To the extent not granted, or explicitly deferred as noted in the attached Notices of Action Taken, these applications are denied; and
4. We may amend, modify, or revoke this order at any time without hearing.

Persons entitled to petition the Department for review of this order under the Department's Regulations, 14 CFR 385.50, may file their petitions within ten (10) days after the date of service of this order. The filing of a petition for review of a particular action shall affect this order only as it concerns that action.

These actions were effective when taken, and the filing of a petition for review will not alter their effectiveness.

By:

PAUL L. GRETCH
Director
Office of International Aviation

(SEAL)

U.S. Carrier
Standard Exemption Conditions

In the conduct of the operations authorized by the attached order, 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 the requirements for minimum insurance coverage, and for certifying that coverage to the Department, contained in 14 CFR 205;
- (5) 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; 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 or confirmed by the attached order shall be effective only during the period when the holder is in compliance with the conditions imposed above.



NOTICE OF ACTION TAKEN

July 31, 1997

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Application of Alaska Airlines, Inc. filed 7/18/97 in Docket OST-97-2748 for:

XX Exemption under 49 U.S.C. 40109 to provide the following service:

Scheduled foreign air transportation of persons, property, and mail between Phoenix, Arizona, on the one hand, and Puerto Vallarta and San Jose de Cabo, Mexico, on the other, as last renewed on May 22, 1996, and June 26, 1996. (See Orders 96-6-38 and 96-8-39)

Applicant rep.: Marshall S. Sinick, 202-626-6651 DOT analyst: Sylvia Moore, 202-366-6519

DISPOSITION

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

The above action was effective when taken: July 30, 1997, through July 30, 1998

XX *Under assigned authority (14 CFR 385) by:*

*Paul L. Gretch, Director
Office of International Aviation
(Petitions for review may be filed from now until
10 days after the confirming order/letter issues.
Filing of a petition shall not stay the effectiveness of
this action.)*

XX **Authority granted is consistent with the aviation agreement between the United States and Mexico.**

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:

XX **Holder's certificate of public convenience and necessity**

XX **Standard Exemption Conditions (attached)**

Conditions: The U.S.-Mexico authority granted is subject to the dormancy notice requirements set forth in condition 7 of Appendix A of Order 88-10-2. Consistent with our standard practice, the 90-day dormancy period will begin November 5, 1997, Alaska's proposed date to resume these U.S.-Mexico services.

Remarks: We acted on this application without awaiting expiration of the 15-day answer period with the consent of all parties served.

**July 18, 1997**

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Application of America West Airlines, Inc. filed 7/1/97 in Docket OST-97-2672 for:

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

Scheduled foreign air transportation of persons, property, and mail between a point or point in the United States and a point or points in Canada.

Applicant rep.: Joanne W. Young, 202-861-1532 DOT analyst: Sylvia Moore, 202-366-6519

DISPOSITION

XX *Granted*

The above action was effective when taken: July 18, 1997, through July 18, 1999, (or until 90 days after final Department action on America West's certificate application in Docket OST-97-2673, whichever occurs earlier)

XX Under assigned authority (14 CFR 385) by:

*Paul L. Gretch, Director
Office of International Aviation
(Petitions for review may be filed from now until
10 days after the confirming order/letter issues.
Filing of a petition shall not stay the effectiveness of
this action.)*

XX Authority granted is consistent with the aviation agreement between the United States and Canada signed on February 24, 1995.

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:

XX Holder's certificate of public convenience and necessity

XX Standard Exemption Conditions (attached)

Conditions: Under the U.S.-Canada aviation agreement signed on February 24, 1995, U.S. carriers may not commence new combination service to Toronto until after February 24, 1998.



NOTICE OF ACTION TAKEN

RENEW

July 18, 1997

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Application of **American Airlines, Inc.** filed **5/28/97** in Docket **OST-97-2561** for:

XX Renew for two years allocation of one weekly combination frequency in the Miami-Lima market.

Applicant rep.: **Carl B. Nelson, 202-496-5647** DOT analyst: **Sylvia Moore, 202-366-6519**

DISPOSITION

XX Granted (Subject to conditions, see below)

The above action was effective when taken: **July 18, 1997,** through **July 18, 1999**

XX Under assigned authority (14 CFR 385) by:

*Paul L. Gretch, Director
Office of International Aviation
(Petitions for review may be filed from now until
10 days after the confirming order/letter issues.
Filing of a petition shall not stay the effectiveness of
this action.)*

XX Authority granted is consistent with the aviation agreement between the United States and Peru.

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:

- XX Holder's certificate of public convenience and necessity**
- XX Standard Exemption Conditions (attached)**

Conditions: Consistent with our standard practice, the frequency allocation granted is subject to the condition that it will expire automatically and the frequency will revert back to the Department for reallocation if it is not used for a period of 90 days.



July 31, 1997

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Application of AMERICAN AIRLINES, INC., filed 6/20/97 in Docket OST-96-1614 for:

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 Dallas/Ft. Worth, Texas, and San Jose del Cabo, Mexico.

Applicant rep: Carl B. Nelson, Jr. (202) 496-5647 DOT Analyst: Linda L. Lundell (202) 366-2336

DISPOSITION

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

The above action was effective when taken: July 31, 1997, through July 31, 1999, or until 90 days after final Department action on a corresponding certificate application, whichever occurs earlier.

XX Under assigned authority (14 CFR 385) by:

Paul L. Gretch, Director
Office of International Aviation
(Petitions for review may be filed from now until
10 days after the confirming order/letter issues.
Filing of a petition shall not stay the effectiveness of this
action.)

XX **Authority granted is consistent with the aviation agreement between the United States and Mexico.**

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated: **XX** **Holder's certificate of public convenience and necessity**

XX **Standard Exemption Conditions attached**

Special Conditions/Remarks: The U.S.-Mexico authority granted is subject to the dormancy notice requirements set forth in condition 7 of Appendix A of Order 88-10-2.



July 31, 1997

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Application of CONTINENTAL AIRLINES, INC., filed 6/27/97 in Docket OST-97-2657 for:

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 Houston, Texas, and Ixtapa/Zihuatanejo, Mexico.

Applicant rep: R. Bruce Keiner (202) 624-2500 DOT Analyst: Linda L. Lundell (202) 366-2336

DISPOSITION

XX Granted (subject to conditions, see remarks)

The above action was effective when taken: July 31, 1997, through July 31, 1999, or until 90 days after final Department action on a corresponding certificate application, whichever occurs earlier.

XX Under assigned authority (14 CFR 385) by:

Paul L. Gretch, Director
Office of International Aviation
(Petitions for review may be filed from now until
10 days after the confirming order/letter issues.
Filing of a petition shall not stay the effectiveness of this
action.)

XX Authority granted is consistent with the aviation agreement between the United States and Mexico.

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated: **XX** Holder's certificate of public convenience and necessity

XX Standard Exemption Conditions attached

Special Conditions/Remarks: The U.S.-Mexico authority granted is subject to the dormancy notice requirements set forth in condition 7 of Appendix A of Order 88-10-2.



1997

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Application of EMERY WORLDWIDE AIRLINES, INC., filed 3/26/97 in Docket OST-97-2274 for:

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

Scheduled foreign air transportation of property and mail between El Paso, Texas, and Chihuahua, Mexico. Emery intends to operate this service using Convair 640 aircraft under a wet-lease arrangement with Kitty Hawk Airlines.

Applicant rep: Lorraine B. Halloway (202) 624-2500 DOT Analyst: Linda L. Lundell (202) 366-2336

DISPOSITION

XX Granted (see remarks)

The above action was effective when taken: July 30, 1997, through July 30, 1999, or until 90 days after final Department action on a corresponding certificate application, whichever occurs earlier.

XX Under assigned authority (14 CFR 385) by:

**Paul L. Gretch, Director
Office of International Aviation
(Petitions for review may be filed from now until
10 days after the confirming order/letter issues.
Filing of a petition shall not stay the effectiveness of this
action.)**

XX Authority granted is consistent with the aviation agreement between the United States and Mexico.

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated: XX Holder's certificate of public convenience and necessity

XX Standard Exemption Conditions attached

Special Conditions/Remarks: The U.S.-Mexico authority granted is subject to the dormancy notice requirements set forth in condition 7 of Appendix A of Order 88-10-2.

Federal Express Corporation also had a pending application before the Department (in Docket OST-97-2206), for exemption authority to serve the El Paso-Chihuahua market, a single-designation route under the U.S.-Mexico aviation agreement. Subsequently, however, the Mexican aviation authorities agreed to permit double-designation services on the route. Therefore, we were able to proceed with the applications filed by both Emery and Federal Express for El Paso-Chihuahua exemption authority (see Notice of Action Taken dated July 31, 1997, with respect to Federal Express' application, issued contemporaneously).

CORRECTED COPY *



NOTICE OF ACTION TAKEN

NEW

August 7, 1997

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Application of **FEDERAL EXPRESS CORPORATION** filed **3/11/97** in Docket **OST-97-2206** for:

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

Scheduled foreign air transportation of property and mail between El Paso, Texas, and Chihuahua, Mexico, in conjunction with the existing scheduled all-cargo service provided by Federal Express between various points in the United States and various points in Mexico. Federal Express states that the service will include the operation of Cessna C-208A Caravan aircraft operated for Federal Express pursuant to a wet-lease arrangement with Empire Airlines, Inc.

Applicant rep: **Nathaniel P. Breed, Jr. (202) 663-8078** DOT Analyst: **Linda L. Lundell (202) 366-2336**

DISPOSITION

XX Granted (see remarks)

The above action was effective when taken: **July 30, 1997,** through **July 30, 1999,** or until 90 days after final Department action on a corresponding certificate application, whichever occurs earlier.

XX Under assigned authority (14 CFR 385) by:

**Paul L. Gretch, Director
Office of International Aviation
(Petitions for review may be filed from now until
10 days after the confirming order/letter issues.
Filing of a petition shall not stay the effectiveness of this
action.)**

XX Authority granted is consistent with the aviation agreement between the United States and Mexico.

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

(See Reverse Side)

* Corrected to reflect the proper docket number for Emery's application (see remarks section) in this matter.

Special Conditions/Remarks: The U.S.-Mexico authority granted is subject to the dormancy notice requirements set forth in condition 7 of Appendix A of Order 88-10-2.

Emery Worldwide Airlines, Inc., filed a competing application (in Docket OST-97-2274), for El Paso-Chihuahua authority, a single-designation route under the U.S.-Mexico aviation agreement. Subsequently, however, the Mexican aviation authorities agreed to permit double-designation services on the route. Therefore, we were able to proceed with the applications filed by both Federal Express and Emery for El Paso-Chihuahua exemption authority (see Notice of Action Taken dated July 31, 1997, with respect to Emery's application, issued contemporaneously).



NOTICE OF ACTION TAKEN

RENEW

July 21, 1997

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applications of Northwest Airlines, Inc. filed 6/4/97 in Dockets OST-95-325 and OST-96-1603 for:

XX Renew for two years exemption under 49 U.S.C. 40109 to engage in the following air transportation services:

Scheduled foreign air transportation of persons, property, and mail between (1) points in the United States, on the one hand, and Edinburgh and Glasgow, via London (Gatwick), on the other, (2) between points in the United States, on the one hand, and Aberdeen, Belfast, Birmingham, Bristol, Cardiff, Edinburgh, Glasgow, Humberside, Leeds/Bradford, London (Stansted), Manchester, Newcastle, Norwich, Southampton, Teeside (Docket 95-325), and (3) between points in the United States, on the one hand, and London City Airport, and Inverness, Scotland, on the other, via Amsterdam (Docket OST-96-1603). Northwest intends to operate this service pursuant to a code-share arrangement with Air U.K. Limited.

XX Consolidation of its applications in Dockets OST-95-325 and OST-96-1603 into one docket (OST-95-325)

Applicant rep.: Megan Rae Poldy, 202-842-3193 DOT analyst: Sylvia Moore, 202-366-6519

DISPOSITION

XX Granted renewals and consolidation into Docket OST-95-325 (Subject to conditions, see below)

XX Balance dismissed

The above action was effective when taken: July 18, 1997, through July 24, 1998

XX Under assigned authority (14 CFR 385) by:

Paul L. Gretch, Director
Office of International Aviation
(Petitions for review may be filed from now until
10 days after the confirming order/letter issues.
Filing of a petition shall not stay the effectiveness of
this action.)

XX Authority granted is consistent with the U.S.-U.K. Memorandum of Consultations dated June 5, 1995.

(See Reverse Side)

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:

XX Holder's certificate of public convenience and necessity

XX Standard Exemption Conditions (attached)

Conditions: The code-sharing operations conducted under this authority must comply with 14 CFR 399.88 of the Department's regulations and any amendments to the Department's regulations concerning code-share arrangements that may be adopted, and are 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 accept all obligations established in its contract of carriage with the passenger (*i.e.*, the ticket), and that the operator shall not permit the code of its U.S. carrier code-sharing partner to be carried on any flight that enters, departs, or transits, the airspace of any area for whose airspace the Federal Aviation Administration has issued a flight prohibition.

Remarks: Consistent with our standard practice the authority granted is coextensive with the duration of the amended statement of authorization granted Air U.K. on March 24, 1997. We dismissed Northwest's request for longer-term authority (*i.e.*, for the second year, with respect to services between the U.S. and London City Airport and Inverness, Scotland via Amsterdam) without prejudice to refiling for renewal.

CORRECTED COPY*



NOTICE OF ACTION TAKEN

NEW

July 25, 1997

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Application of **Polar Air Cargo, Inc.** filed **7/18/97** in Docket **OST-97-2265** for:

XX *Exemption from Order 97-1-17; startup deadline:*

By Order 97-1-17 the Department granted Polar Air Cargo exemption authority to provide scheduled all-cargo service in the U.S.-Philippine market. That authority was subject to the condition that Polar Air inaugurate service within 90 days from the issue date of the order (January 24, 1997) or the authority would expire. On March 25 and May 13, 1997, Polar applied for an exemption to extend its April 24, 1997, startup date to June 8 and July 23, 1997, respectively. By Notices of Action Taken dated April 21 and May 30, 1997, the Department granted the extensions (See Order 97-6-16). Polar seeks extension of the July 23 startup date to August 23, 1997. Polar believes that grant of the necessary approvals by the Philippine authorities is imminent and the appropriate authority should be secured by August 23, 1997.

Applicant rep.: **Alfred J. Eichenlaub (202) 637-9034** DOT analyst: **Sylvia Moore, 202-366-6519**

DISPOSITION

XX *Granted*

*The above action was effective when taken: **July 21, 1997,** through **August 23, 1997***

XX *Under assigned authority (14 CFR 385) by:*

*Paul L. Gretch, Director
Office of International Aviation
(Petitions for review may be filed from now until
10 days after the confirming order/letter issues.
Filing of a petition shall not stay the effectiveness of
this action.)*

Remarks: We acted on this application without awaiting expiration of the 15-day answer period with the consent of all parties served.

*Corrects Notice of Action Taken dated July 21, 1997, to reflect filing date of July 18, 1997.

**RENEW****July 31, 1997**

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Application of Southern Air Transport, Inc. filed 5/13/97 in Docket OST-97-2513 for:

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

Scheduled foreign air transportation of property and mail between New York, New York, and Prestwick/Glasgow, Scotland.

Applicant rep.: Pierre Murphy, 202-872-1679 DOT analyst: Sylvia Moore, 202-366-6519

DISPOSITION

XX *Granted (see below)*

The above action was effective when taken: July 30, 1997, through July 30, 1999, or until 90 days after final Department action on Southern's pending certificate application in Docket 48658, which occurs earlier.

XX Under assigned authority (14 CFR 385) by:

*Paul L. Gretch, Director
Office of International Aviation
(Petitions for review may be filed now until
10 days after the confirming order/letter issues.
Filing of a petition shall not stay the effectiveness
of this action.)*

XX Authority granted is consistent with the aviation agreement between the United States and the United Kingdom.

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:

XX **Holder's certificate of public convenience and necessity**

XX **Standard Exemption Conditions (attached)**

Remarks: The authority for which Southern Air Transport requested renewal expired July 27, 1997, but had been kept in force pursuant to the provisions of the Administrative Procedure Act, 5 U.S.C. 558(c), as implemented by 14 CFR Part 377, pending action on Southern's timely filed renewal application.



U.S. Department of
Transportation
U.S. DEPARTMENT OF
TRANSPORTATION

NOTICE OF ACTION TAKEN

NEW

July 31,

1997

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Application of Tower Air, Inc. filed 6/19/97 in Docket OST-97-2636 for:

XX Exemption under 49 U.S.C. 40109 to provide the following service:

Scheduled foreign air transportation of persons, property, and mail between New York, New York, and Cairo, Egypt, via Athens, Greece, and to integrate this authority with its existing exemption and certificate authority.

Applicant rep.: Stephen L. Gelband, 202-337-6200 DOT analyst: Sylvia Moore, 202-366-6519

DISPOSITION

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

The above action was effective when taken: July 30, 1997, through July 30, 1998

XX Under assigned authority (14 CFR 385) by:

Paul L. Gretch, Director
Office of International Aviation
(Petitions for review may be filed from now until
10 days after the confirming order/letter issues.
Filing of a petition shall not stay the effectiveness of
this action.)

XX Authority granted is consistent with the aviation agreements between the United States and Egypt, and the United States and Greece.

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:

XX Holder's certificate of public convenience and necessity

XX Standard Exemption Conditions (attached)

Conditions: The route integration authority granted is 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 award of the route integration authority requested should be construed as conferring upon Tower rights (including fifth freedom intermediate

(See Reverse Side)

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



NOTICE OF ACTION TAKEN

RENEW

July 18, 1997

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Application of United Air Lines, Inc. filed 5/28/97 in Docket OST-97-2562 for:

XX Renew for two years allocation of seven weekly combination frequencies in the Miami-Lima market.

Applicant rep.: Joel Burton 202-637-9130 DOT analyst: Sylvia Moore, 202-366-6519

DISPOSITION

XX Granted (Subject to conditions, see below)

The above action was effective when taken: July 18, 1997, through July 18, 1999

XX Under assigned authority (14 CFR 385) by:

Paul L. Gretch, Director
Office of International Aviation
(Petitions for review may be filed from now until
10 days after the confirming order/letter issues.
Filing of a petition shall not stay the effectiveness of
this action.)

XX Authority granted is consistent with the aviation agreement between the United States and Peru.

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:

XX Holder's certificate of public convenience and necessity

XX Standard Exemption Conditions (attached)

Conditions: Consistent with our standard practice, the frequency allocation granted is subject to the condition that it will expire automatically and the frequencies will revert back to the Department for reallocation if they are not used for a period of 90 days.



1997

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Application of UNITED PARCEL SERVICE CO. filed 6/25/97 in Docket OST-97-2627 for:

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

Scheduled foreign air transportation of property and mail between (1) San Antonio, Texas, and Mexico City, Mexico, and (2) Houston, Texas, and Guadalajara, Mexico. UPS also requested authority to integrate service over these routes with its existing Mexico authority.

Applicant rep: David L. Vaughn (202) 955-9864 DOT Analyst: Linda L. Lundell (202) 366-2336

DISPOSITION

XX Granted San Antonio-Mexico City portion (see remarks)

XX Deferred on Houston-Guadalajara

The above action was effective when taken: July 30, 1997, through July 30, 1999, or until 90 days after final Department action on a corresponding certificate application, whichever occurs earlier.

XX Under assigned authority (14 CFR 385) by:

Paul L. Gretch, Director
Office of International Aviation
(Petitions for review may be filed from now until
10 days after the confirming order/letter issues.
Filing of a petition shall not stay the effectiveness of this
action.)

XX **Authority granted is consistent with the aviation agreement between the United States and Mexico.**

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated: XX **Holder's certificate of public convenience and necessity**

XX **Standard Exemption Conditions attached**

Special Conditions/Remarks: The U.S.-Mexico authority granted is subject to the dormancy notice requirements set forth in condition 7 of Appendix A of Order 88-10-2.

DHL Airways, Inc., is designated and serves the Houston-Guadalajara market--currently a single-designation route under the U.S.-Mexico Air Transport Agreement. We have deferred action on UPS' request to serve the Houston-Guadalajara market while we attempt to obtain from the Mexican aviation authorities approval for double-designation services on the route.



NEW

August 1, 1997

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Application of US Airways, Inc. filed 7/15/97 in Docket OST-97-2721 for:

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

Scheduled foreign air transportation of persons, property, and mail between Philadelphia, Pennsylvania, and Grand Cayman, Cayman Islands. The City of Philadelphia, Division of Aviation filed an answer in support of US Airways' application.

Applicant rep.: Richard D. Mathias, 202-298-8660 DOT analyst: Sylvia Moore, 202-366-6519

DISPOSITION

XX *Granted*

The above action was effective when taken: July 31, 1997, through July 31, 1999

XX *Under assigned authority (14 CFR 385) by:*

*Paul L. Gretch, Director
Office of International Aviation
(Petitions for review may be filed from now until
10 days after the confirming order/letter issues.
Filing of a petition shall not stay the effectiveness of
this action.)*

XX **Authority granted is consistent with the aviation agreement between the United States and the United Kingdom.**

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:

XX **Holder's certificate of public convenience and necessity**

XX **Standard Exemption Conditions (attached)**