

RENEW



**U.S. Department of
Transportation**
Office of the Secretary
of Transportation

NOTICE OF ACTION TAKEN

December 15, 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 United Air Lines, Inc. filed 10/28/97 in Docket OST-95-556 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 Atlanta, Georgia; Houston, Texas; and Orlando and Tampa, Florida, on the one hand, and points in the Cayman Islands, on the other, and to integrate this authority with its existing certificate authority on Routes 57 and 632, as well as its other existing certificate and exemption authority. United intends to provide this service pursuant to a code-share arrangement with Cayman Airways, Ltd.

Applicant rep.: Joel Stephen 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: December 12, 1997, through December 12, 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 Exemption 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)**

Conditions: The code-sharing operations authorized herein 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 foreign air transportation be sold in the name of the carrier holding out the service in computer reservation
(See Reverse Side)

systems and elsewhere, that the carrier selling such transportation accept all obligations established in the contract of carriage with the passenger (*i.e.*, the ticket) and that the operator shall not permit the code of its U.S. code-sharing partner to be carried on any flight that enters, departs or transits the airspace of any area for whose air space the Federal Aviation Administration has issued a flight prohibition, and that operations of the service does not require use of U.S. carrier frequencies for U.S.-Cayman Island services.

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

The exemption authority granted is coextensive with the duration of the statement of authorization granted to Cayman Airways on December 12, 1997.