



UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, DC

Issued by the Department of Transportation
on the 12th day of November, 1997

Applications/Motions of	Dockets
America West Airlines, Inc.	OST-95-715
American Airlines, Inc.	OST-95-710
Carnival Air Lines, Inc.	OST-95-555
Continental Airlines, Inc.	OST-95-72 (50062) OST-96-981
Delta Air Lines, Inc.	OST-95-717 OST-95-796
Flagship Airlines, Inc. d/b/a American Eagle	OST-95-812
Fine Airlines, Inc.	Undocketed
Independent Association of Continental Pilots	OST-96-2016
Northwest Airlines, Inc.	OST-95-709 OST-96-1606
Tower Air, Inc.	OST-96-2033
United Air Lines, Inc.	OST-95-711 OST-95-827
USAir, Inc.	OST-95-89 (50086) OST-95-654

(48763)

for certificates, exemptions or other authorities or relief
under 49 U.S.C. sections 41102 or 40109 and regulations
of the Department of Transportation.

ORDER DISMISSING APPLICATIONS

The captioned carriers have applied or petitioned for various forms of authority or relief under 49 U.S.C. sections 41102 or 40109 or regulations or orders of the Department, relating to the air transportation activities shown in the Appendix to this order. Each application or motion has been withdrawn or has otherwise become moot.

Accordingly, acting under authority assigned by the Department in its regulations, 14 CFR 385.13, we dismiss the applications and petitions shown in the Appendix to this order.

Persons entitled to petition for review of this order under the Department's regulations, 14 CFR 385.50, may file their petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Department of Transportation upon expiration of the above period unless within such period a petition for Department review is filed or the Department gives notice that it will review this order on its own motion.

The filing of a petition for review with respect to one of the dismissed items will not alter the effectiveness of this order with respect to the others.

By:

PAUL L. GRETCH
Director
Office of International Aviation

(SEAL)

APPENDIX

- OST-95-715** **America West Airlines, Inc.,** filed September 12, 1996. Renew *pendente lite* exemption to provide scheduled foreign air transportation of persons, property, and mail between Las Vegas, Nevada, and Vancouver, Canada. By Order 96-10-30 the Department granted America West a certificate of public convenience and necessity to serve the Las Vegas-Vancouver market. As America West now holds certificate authority for the services requested, its exemption renewal application in Docket OST-95-715 is moot.
- OST-95-710** **American Airlines, Inc.,** filed August 16, 1996. Renew *pendente lite* exemption to provide scheduled foreign air transportation of persons, property, and mail between the terminal points New York, New York, and Miami, Florida, and the terminal point Vancouver, Canada. By Order 96-10-30 the Department granted American a certificate of public convenience and necessity to serve the New York-Vancouver and Miami-Vancouver markets. As American now holds certificate authority for the services requested, its exemption renewal application in Docket OST-95-710 is moot.
- OST-95-555** **Carnival Air Lines, Inc.,** filed September 1, 1995. (1) Exemption to provide foreign scheduled combination service between Miami, Florida, and Cancun, Mexico; and (2) Statement of Authorization to display Ladeco's designator code on Carnival's flights operating between Miami and Cancun. On August 12, 1997, counsel for Carnival Air Lines orally notified the Department that Carnival no longer wishes to prosecute the application. We will, therefore, dismiss Carnival's application in Docket OST-95-555.
- OST-95-72 (50062)** **Continental Airlines, Inc.,** filed January 19, 1995. Certificate of public convenience and necessity to provide scheduled combination service in the following markets: (1) New York (Newark)-Montreal; (2) Houston-Toronto/Montreal; and (3) Cleveland-Montreal. By Order 96-2-26, the Department granted Continental's request for certificate authority to serve the New York-Montreal and Houston-Toronto/Montreal markets, but deferred action on the carrier's request for Cleveland-Montreal authority. Subsequently, by Order 95-6-26, the Department issued to Continental a certificate for Route 659 authorizing services between any point in the United States and any point in Canada. Effective February 24, 1997, consistent with the provisions of the 1995 U.S.-Canada

aviation agreement, there are no restrictions on services to Montreal. As the authority to serve the Cleveland-Montreal market is no longer restricted and is encompassed by Continental's broad U.S.-Canada certificate for Route 659, we will dismiss, as moot, Continental's request to serve the Cleveland-Montreal market in Docket OST-95-72. With this action, no issues remain outstanding in this docket.

- OST-96-981** **Continental Airlines, Inc.**, filed January 2, 1996. Certificate of public convenience and necessity to provide scheduled foreign air transportation of persons, property, and mail between Newark, New Jersey, and Manchester, England. American Airlines filed an answer to Continental's application. By Order 97-3-24 the Department granted Continental a certificate of public convenience and necessity to serve between points in the United States and points in the United Kingdom (excluding London Gatwick and Heathrow) in Docket OST-96-1648 (Route 733). Since the Newark-Manchester authority is encompassed by its authority on Route 733, Continental's certificate application in Docket OST-96-981 is moot.
- OST-95-717** **Delta Air Lines, Inc.**, filed August 16, 1996. Renew *pendente lite* exemption to provide scheduled foreign air transportation of persons, property, and mail between the terminal points Atlanta, Georgia, and Cincinnati, Ohio, and the terminal point Vancouver, Canada. By Order 96-10-30 the Department granted Delta a certificate of public convenience and necessity to serve the Atlanta-Vancouver and Cincinnati-Vancouver markets. As Delta now holds certificate authority for the services requested, its exemption renewal application in Docket OST-95-717 is moot.
- OST-95-796** **Delta Air Lines, Inc.**, filed October 11, 1996. Renew *pendente lite* exemption to provide scheduled foreign air transportation of persons, property, and mail between Cincinnati, Ohio, and Montreal, Canada. By Order 96-10-30 the Department granted Delta a certificate of public convenience and necessity to serve the Cincinnati-Montreal market. As Delta now holds certificate authority for the services requested, its exemption renewal application in Docket OST-95-796 is moot.
- Undocketed** **Fine Airlines, Inc.**, filed November 1, 1995. Petition for Review of Staff Action on October 20, 1995, excluding Fine Airlines from allocation of U.S.-Peru all-cargo charters. The charters at issue were limited to 20 flights that could be operated only through December 1995. The staff had excluded Fine from the allocation because the Government of Peru had

banned all operations by Fine to, from, and over Peruvian airspace. In these circumstances, and given the short-term availability of the flights, the staff determined that it was unlikely that Fine would be able to operate any of the charters, and thus, that an allocation to Fine would not be in the public interest. At the time of Fine's petition, it also had pending before the Department a complaint against the Government of Peru regarding Peru's ban on Fine's operations (Docket OST-95-691). By Order 96-7-5, the Department dismissed Fine's complaint in Docket OST-95-691. In these circumstances, and given that the time during which the flights were available for operation has passed, we will dismiss, as moot, Fine's petition for review.

- OST-95-812** **Flagship Airlines, Inc. d/b/a American Eagle**, filed October 10, 1996. Renew *pendente lite* allocation of two daily frequencies between New York (JFK) and Montreal, Canada. By Order 96-10-30 the Department granted Flagship a long-term allocation of two additional frequencies in the New York-Montreal market. Furthermore, effective February 24, 1997, consistent with the provisions of the 1995 U.S.-Canada aviation agreement, services in the U.S.-Montreal market are no longer limited. In these circumstances, Flagship's renewal application in Docket OST-95-812 is moot.
- OST-96-2016** **Independent Association of Continental Pilots**, filed April 10, 1997. Motion for leave to file an otherwise unauthorized document and comments urging the Department to award Continental 14 weekly frequencies in the *1997 U.S.-Brazil Combination Service Proceeding*. On April 8, 1997, the Department issued an order awarding Continental the 14 weekly frequencies it had requested. As the Continental Pilots' motion and comments were filed subsequent to issuance of that order, we will dismiss the motion without prejudice. The comments were accepted and placed in the correspondence section of the docket.
- OST-95-709** **Northwest Airlines, Inc.**, filed September 9, 1996. Renew allocation of two daily frequencies to provide scheduled foreign air transportation of persons, property, and mail between Los Angeles, California, and Vancouver, Canada. By Order 96-9-1 the Department granted Northwest exemption authority to serve the Los Angeles-Vancouver market, and by Order 96-10-30 the Department granted Northwest a long-term allocation of two additional frequencies in the Los Angeles-Vancouver market.
- OST-96-1606**

Furthermore, effective February 24, 1997, consistent with the provisions of the 1995 U.S.-Canada aviation agreement, services in the U.S.-Vancouver market are no longer limited. In these circumstances, Northwest's renewal application in Docket OST-95-709 is moot.

- OST-96-2033 Tower Air, Inc.**, filed December 20, 1996. Renew *pendente lite* exemption to provide scheduled combination service between New York and Miami, on the one hand, and Sao Paulo and Rio de Janeiro, Brazil, on the other. By letter dated April 17, 1997, and filed in Docket OST-96-2016 (*U.S.-Brazil Combination Service Proceeding*), counsel for Tower Air informed the Department that Tower Air discontinued scheduled service to Brazil on March 1, 1997. In these circumstances, the renewal application in Docket OST 96-2033 is moot, and we will dismiss it.
- OST-95-711 United Air Lines, Inc.**, filed August 18, 1996. Renew *pendente lite* exemption to engage in scheduled foreign air transportation of persons, property, and mail between Denver, Colorado, and Los Angeles, California, on the one hand, and Vancouver, Canada, on the other. By Order 96-10-30 the Department granted United a certificate of public convenience and necessity to serve the Denver-Vancouver and Los Angeles-Vancouver markets. As United now holds certificate authority for the services requested, its exemption application in Docket OST-95-711 is moot.
- OST-95-827 United Air Lines, Inc.**, filed October 10, 1996. Renew *pendente lite* exemption and allocation of one daily frequency to provide scheduled foreign air transportation of persons, property, and mail between Miami, Florida, and Montreal, Canada; and renew *pendente lite* allocation of one daily frequency to provide scheduled foreign air transportation of persons, property, and mail between Chicago, Illinois, and Montreal, Canada. By Order 96-10-30 the Department granted United a certificate of public convenience and necessity and frequency allocation to serve the Miami-Montreal market and an allocation for one daily frequency in the Chicago-Montreal market. (United holds underlying exemption authority to serve the Chicago-Montreal market. See Order 96-2-49.) Furthermore, effective February 24, 1997, consistent with the provisions of the 1995 U.S.-Canada aviation agreement, services in the U.S.-Montreal market are no longer limited. In these circumstances, United's exemption renewal application in Docket 95-827 is moot.

- OST-95-89 (50086)** **USAir, Inc.**, filed January 19, 1995. Certificate of public convenience and necessity to engage in scheduled foreign air transportation of persons, property, and mail between Pittsburgh, Pennsylvania, and Montreal, Canada. USAir was granted an exemption to serve the Pittsburgh-Montreal market through February 26, 1997. (See Order 96-4-20). By Order 95-6-26 the Department granted USAir a certificate of public convenience and necessity for broad U.S.-Canada authority (Route 633). By Order 97-7-2 the Department reissued USAir's certificate for Route 633, among others, to reflect its new name, US Airways, Inc. Effective February 24, 1997, pursuant to the provisions of the U.S.-Canada aviation agreement, there are no restrictions on services to Montreal. Since the authority to serve Pittsburgh-Montreal is no longer restricted and is encompassed by its authority on Route 633, US Airways' certificate application in Docket OST-95-89 is moot.
- OST-95-654 (48763)** **USAir, Inc.**, filed April 21, 1993. Amend certificate of public convenience and necessity to add Pittsburgh as an intermediate point on its Cleveland-Montreal route. By Order 95-6-26 the Department granted US Air a certificate authorizing broad U.S.-Canada operations, subject to certain time-limited restrictions on services in the U.S.-Montreal/Vancouver/Toronto markets (Route 633). By Order 97-7-2 the Department reissued USAir's certificate for Route 633, among others, to reflect its new name, US Airways, Inc. Effective February 24, 1997, pursuant to the provisions 1995 U.S.-Canada aviation agreement, there are no restrictions on services to Montreal. Since service in the U.S.-Montreal market is no longer restricted, the Cleveland-Montreal authority is encompassed by its authority on Route 633. USAir's certificate application in Docket OST-95-654, therefore, is moot.