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

Issued by the Department of Transportation
on the 10th day of March, 1998

Applications of

TRADEWINDS AIRLINES, INC.

for certificates of public convenience and necessity under
49 U.S.C. 41102 to engage in interstate and foreign
charter air transportation of persons, property, and mail

**Dockets OST-97-2794
and OST-97-2795**

**ORDER ISSUING EFFECTIVE CERTIFICATES
AND CONFIRMING ORAL ACTION**

By Order 97-12-5, served December 4, 1997, the Department found that Tradewinds Airlines, Inc. (Tradewinds), an operating all-cargo air carrier was fit, willing, and able to conduct interstate and foreign charter passenger air transportation and issued to it a certificate authorizing it to engage in interstate operations. Subsequently, by Order 97-12-27, served December 24, 1997, we issued to Tradewinds a certificate authorizing it to engage in foreign charter passenger operations.

The authority granted by these certificates was to become effective on the sixth (business) day after we had received, among other things, a copy of Tradewinds' Amended Operations Specifications from the Federal Aviation Administration (FAA) authorizing it to engage in charter passenger service, and a description of any fitness-related changes the company had undergone since the date of the Show Cause order in this case (*see* Order 97-11-29, served November 18, 1997).

On February 12, 1998, Tradewinds submitted evidence that it had obtained Amended Operations Specifications from the FAA authorizing it to conduct passenger charter operations. On that same date, it also provided evidence of passenger liability insurance coverage (on OST Form 6410), confirmed that Tradewinds has had no changes to its ownership, management, operating plan, financial plan, or compliance history since the date of the Show Cause order, and provided information verifying that it had available to

it funding adequate to meet our financial fitness standard based on its operating plan.¹ Further, Tradewinds requested that the Department grant it a waiver from the standard six-day waiting period and make the certificate authority granted by Orders 97-12-5 and 97-12-27 effective immediately. Our review of these documents found them to be satisfactory. Hence, on February 13, 1998, we notified Tradewinds that we were making its section 41102 passenger certificates effective on that same date. By this order, we confirm our oral action making Tradewinds' certificate authority effective and reissue to the carrier this authority to reflect its February 13, 1998, effective date.

With the issuance of effective interstate and foreign charter certificates authorizing Tradewinds to engage in air transportation of persons, property, and mail, the property and mail authority encompassed in the separate cargo-only certificate issued by Order 96-10-29 is redundant. Therefore, we have decided to cancel this certificate. Our action here in no way impacts on the ability of Tradewinds to continue to conduct all-cargo operations.

ACCORDINGLY, Acting under authority assigned by the Department in its Regulations, 14 CFR 385.12(a)(5)(iv) and (b)(1):

1. We confirm our oral action of February 13, 1998, making the section 41102 certificate authority issued to Tradewinds Airlines, Inc. to engage in passenger charter operations, effective on that same date.
2. We reissue to Tradewinds Airlines, Inc., the interstate and foreign charter passenger section 41102 certificates issued to it by Orders 97-12-5 and 97-12-27, respectively, in the attached form to reflect their effective date.
3. We cancel the foreign charter all-cargo certificate issued to Tradewinds Airlines, Inc., by order 96-10-29 as redundant.
4. Should Tradewinds Airlines, Inc., propose to operate more than 5 aircraft, we direct it 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.
5. We will serve a copy of this order on the persons listed in Attachment A. Persons entitled to petition the Department for review of this order under the Department's Regulations, 14 CFR 385.30, may file their petitions within 10 days of the service date of this order.

¹ Tradewinds Airlines provided an accounting of its pre-operating expenses, paid and unpaid. Taking into consideration Tradewinds Airlines' unpaid pre-operating expenses and the funds required to provide a three-month working capital reserve for its proposed operations, Tradewinds Airlines needed funds of approximately \$2.2 million to meet our financial fitness test. Tradewinds Airlines submitted verification that it has \$2.2 million in liquid assets, a \$500,000 line-of-credit from First Union Bank, and a \$250,000 line-of-credit from Interlease.

The action confirmed in this order was effective when taken and the filing of a petition for review shall not alter its effectiveness.

By:

John V. Coleman
Director
Office of Aviation Analysis

(SEAL)

*An electronic version of this document is available on the World Wide Web at:
<http://dms.dot.gov/dotinfo/general/orders/aviation.html>*



**Certificate of Public Convenience and Necessity
for
Interstate Charter Air Transportation**

(as reissued)

This Certifies That

TRADEWINDS AIRLINES, INC.

is authorized, subject to the provisions of Subtitle VII of Title 49 of United States Code, the orders, rules, and regulations issued thereunder, and the attached Terms, Conditions, and Limitations, to engage in interstate charter air transportation of persons, property, and mail.

This Certificate is not transferable without the approval of the Department of Transportation.

By Direction of the Secretary

**Issued by Order 98-3-11
On March 10, 1998
Effective on February 13, 1998**

**John V. Coleman
Director
Office of Aviation Analysis**



Terms, Conditions, and Limitations

TRADEWINDS AIRLINES, INC.

is authorized to engage in interstate charter air transportation of persons, property, and mail between any point in any State, territory, or possession of the United States or the District of Columbia, and any other point in any of those entities.

This authority is subject to the following provisions:

- (1) The holder shall at all times conduct its operations in accordance with the regulations prescribed by the Department of Transportation for the services authorized by this certificate, and with such other reasonable terms, conditions, and limitations as the Department of Transportation may prescribe in the public interest.
- (2) The holder's authority under this certificate is effective only to the extent that such operations are also authorized by the Federal Aviation Administration.
- (3) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).
- (4) The holder shall maintain in effect liability insurance coverage as required under 14 CFR Part 205. Failure to maintain such insurance coverage will render a certificate ineffective, and this or other failure to comply with the provisions of Subtitle VII of Title 49 of the United States Code or the Department's regulations shall be sufficient grounds to revoke this certificate.
- (5) The holder is not authorized to engage in air transportation between points within the State of Alaska.

* This certificate is being reissued to reflect its effective date.

(6) Should the holder propose any substantial changes in its ownership, management, or operations (as that term is defined in 14 CFR 204.2(n)), it must first comply with the requirements of 14 CFR 204.5.

(7) In the event that the holder commences but subsequently ceases all operations for which it was found "fit, willing, and able," its authority under this certificate shall be suspended under the terms of 14 CFR 204.7 and the holder may neither recommence nor advertise such operations unless its fitness to do so has been redetermined by the Department. Moreover, if the holder does not resume operations within one year of its cessation, its authority shall be revoked for dormancy.



**Certificate of Public Convenience and Necessity
for
Foreign Charter Air Transportation**

(as reissued)

This Certifies That

TRADEWINDS AIRLINES, INC.

is authorized, subject to the provisions of Subtitle VII of Title 49 of the United States Code, the orders, rules, and regulations issued thereunder, and the attached Terms, Conditions, and Limitations, to engage in foreign charter air transportation of persons, property, and mail.

This Certificate is not transferable without the approval of the Department of Transportation.

By Direction of the Secretary

**Issued by Order 98-3-11
On March 10, 1998
Effective on (See Attached)**

**John V. Coleman
Director
Office of Aviation Analysis**



Terms, Conditions, and Limitations

TRADEWINDS AIRLINES, INC.

is authorized to engage in foreign charter air transportation of persons, property, and mail:

Between any place in the United States and any place outside thereof.

This authority is subject to the following provisions:

- (1) The holder shall at all times conduct its operations in accordance with the regulations prescribed by the Department of Transportation for the services authorized by this certificate, and with such other reasonable terms, conditions, and limitations as the Department of Transportation may prescribe in the public interest.
- (2) The holder shall at all times conduct its operations in accordance with all treaties and agreements between the United States and other countries, and the exercise of the privileges granted by this certificate is subject to compliance with such treaties and agreements and with any orders of the Department of Transportation issued under them or for the purpose of requiring compliance with them.
- (3) The exercise of the authority granted here is subject to the holder's first obtaining from the appropriate foreign governments such operating rights as may be necessary.
- (4) The holder's authority under this certificate is effective only to the extent that such operations are also authorized by the Federal Aviation Administration.
- (5) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).

* This certificate is being reissued to reflect its effective date.

(6) The holder shall maintain in effect liability insurance coverage as required under 14 CFR Part 205. Failure to maintain such insurance coverage will render a certificate ineffective, and this or other failure to comply with the provisions of Subtitle VII of Title 49 of the United States Code or the Department's regulations shall be sufficient grounds to revoke this certificate.

(7) Should the holder propose any substantial changes in its ownership, management, or operations (as that term is defined in 14 CFR 204.2(n)), it must first comply with the requirements of 14 CFR 204.5.

(8) In the event that the holder commences but subsequently ceases all operations for which it was found "fit, willing, and able," its authority under this certificate shall be suspended under the terms of 14 CFR 204.7 and the holder may neither recommence nor advertise such operations unless its fitness to do so has been redetermined by the Department. Moreover, if the holder does not resume operations within one year of its cessation, its authority shall be revoked for dormancy.

(9) The authority to carry property and mail was effective on October 21, 1996. The authority to carry persons was effective on February 13, 1998.

Attachment A

SERVICE LIST FOR TRADEWINDS AIRLINES, INC.

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