



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

Issued by the Department of Transportation on July 22, 1998

NOTICE OF ACTION TAKEN -- DOCKET OST-98-3595

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Applicant: **British Airways PLC**

Date Filed: March 9, 1998

Relief requested: Exemption from 49 U.S.C. 41301 to conduct scheduled foreign air transportation of persons, property and mail between London (Gatwick), England, and Denver, Colorado, for a period of one year.

Applicant representative: Don Hainbach 202-822-9070

Responsive pleadings: The City and County of Denver (Denver) filed an answer in support. US Airways, Inc., filed an answer requesting that the Department not act until it obtains the requisite, competitively timed slots at London Gatwick Airport to support initiation of its authorized Charlotte-London service. British Airways filed a reply stating that the issues raised by US Airways involve the method by which slots are impartially allocated under U.K. and EU law and are not relevant in this proceeding. Denver, US Airways and British Airways filed additional pleadings (each accompanied by a motion for leave to file) to further set forth their respective positions. We granted all motions for leave to file.

DISPOSITION

Action: Approved

Action date: July 22, 1998

Effective dates of authority granted: July 22, 1998 - July 22, 1999

Basis for approval: US Airways has now obtained slots at Gatwick for the winter season that allow us to go forward with this application. We look to US Airways' being able to continue this service beyond the winter season, and are accordingly granting BA this exemption for a period of one year.

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

Standard exemption conditions (attached) Foreign air carrier permit conditions (Order 96-9-35)

Action taken by: Charles A. Hunnicutt
Assistant Secretary for Aviation
International Affairs

We found that the applicant was qualified to perform its proposed operations.

We found that (1) immediate action was required and was consistent with Department policy; (2) grant of the authority was consistent with the public interest; and (3) grant of the authority would not constitute a major regulatory action under the Energy Policy and Conservation Act of 1975. To the extent not granted/deferred/dismissed, we denied all requests in the referenced Docket. We may amend, modify, or revoke the authority granted in this Notice at any time without hearing at our discretion.

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