

Served: March 11, 1999



**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, 1999

Application of

AMERICAN INTERNATIONAL AIRWAYS, INC.

for registration of name and reissuance of certificates

Docket OST-99-5163

ORDER REISSUING CERTIFICATES

American International Airways, Inc. ("AIA") holds economic authority to engage in interstate and foreign scheduled air transportation of cargo, and interstate scheduled air transportation of passengers. With the latter authority, AIA may also engage in worldwide charter air transportation of passengers and cargo.¹

¹ AIA's interstate scheduled passenger and cargo authority was reissued by Orders 93-5-22 and 98-7-6. (See Order 97-11-8 for a history of AIA's interstate certificate authority.)

In addition, AIA holds the following authorities to engage in foreign scheduled cargo air transportation:

- Certificates authorizing service between (1) Miami and Manaus, Sao Paulo, Recife and Rio de Janeiro, Brazil, via Bogota, Colombia (Order 96-6-12--Route 695); and (2) the U.S. and Australia, New Zealand, Taiwan, Hong Kong, Singapore, Indonesia, Costa Rica, Colombia, Belize, El Salvador, Guatemala, Honduras, Nicaragua, and Panama (Order 95-9-23 as amended by Orders 97-10-8 and 97-11-2--Route 677);
- Exemptions authorizing service between (1) Miami and Quito and Guayaquil, Ecuador; (2) New York and Porto Alegre and Belo Horizonte, Brazil; (3) Honolulu and Guam, on the one hand, and Jakarta, Indonesia, on the other, via Melbourne, Australia; and (4) Miami and Caracas and Valencia, Venezuela; and
- Statements of authorization for long-term wet-lease service to Iberia, TACA, NICA, AVIATECA, and FAST AIR.

In November 1997, AIA was acquired by Kitty Hawk, Inc., parent of the certificated air carrier Kitty Hawk Aircargo, Inc., and has since then operated as a separate entity.² On February 11, 1999, in accordance with Part 215 of the Department's regulations (14 CFR Part 215), AIA registered the trade name "Kitty Hawk International," which the Department acknowledged orally on February 12 and confirmed by Notice dated February 23. The carrier stated that this action was in preparation for a forthcoming change in its corporate name.

On February 26, AIA filed an application in Docket OST-99-5163 requesting that the Department reissue its certificates to reflect a change in its corporate name to "Kitty Hawk International, Inc." The applicant further seeks to retain its historical name as a trade name for approximately one year, pending reissuance of its FAA manuals in its new corporate name.

AIA states that this change is being made so that it will be more closely identified with the Kitty Hawk family of companies. While the names of the two Kitty Hawk certificated carriers will now be similar, AIA contends that the names describe their particular types of operations and should not lead to confusion in the air cargo industry. The newly named Kitty Hawk International engages primarily in operations with wide-body aircraft, in long-haul international markets, and in long-term ACMI cargo charters, whereas Kitty Hawk Aircargo operates all-cargo flights with narrow-body aircraft.

Part 215 of our rules requires that, before an applicant may register a proposed name or trade name with the Department, it first must notify any other air carriers with similar names of the proposed usage and then certify to the Department that this notification has been accomplished. In this case, AIA satisfied this obligation at the time it registered the "Kitty Hawk International" trade name in February. Therefore, since the requirements of Part 215 have been met, we are reissuing the certificates held by AIA in name "Kitty Hawk International, Inc. d/b/a American International Airways." The exemption and other economic authority granted in the name American International Airways, Inc., for a specified period of time will be reissued in the carrier's new name if and when each is renewed.

ACCORDINGLY, acting under authority assigned by the Department in its Regulations, 14 CFR 385.12(d)(2):

1. We reissue in the name Kitty Hawk International, Inc. d/b/a American International Airways the certificates of public convenience and necessity reissued to American International Airways, Inc., by

(a) Order 98-7-6 authorizing the holder to engage in interstate scheduled air transportation of persons, property, and mail;

² By Order 97-11-8, dated November 6, 1997, the Department granted AIA and Kitty Hawk Aircargo an exemption from the provisions of 49 U.S.C. 41105, which authorized Kitty Hawk, Inc., to proceed with the acquisition of AIA pending the Department's decision on the application of AIA and Kitty Hawk Aircargo for a *de facto* transfer under section 41105 of AIA's foreign route authority to AIA under the ownership of Kitty Hawk, Inc. (*see* Order 98-8-16, served on August 19, 1998).

(b) Order 96-6-12, a five-year experimental certificate authorizing the holder to engage in air transportation of property and mail between Miami and the coterminal points of Manaus, Sao Paulo, Recife, and Rio de Janeiro, Brazil, via Bogota, Colombia (Route 695); and

(c) Order 95-9-23, as amended by Orders 97-10-8 and 97-11-2, authorizing the holder to engage in air transportation of property and mail between a point or points in the U.S. and a point or points in Australia, New Zealand, Taiwan, Hong Kong, Singapore, Indonesia, Costa Rica, Colombia, Belize, El Salvador, Guatemala, Honduras, Nicaragua, and Panama (Route 677).

2. At the time of renewal, exemption authority and/or statements of authorization, if any, held by American International Airways, Inc., will be reissued in the name Kitty Hawk International, Inc. d/b/a American International Airways.

3. We will serve a copy of this order on the persons listed in Attachment A.

By:

JOHN V. COLEMAN
Director
Office of Aviation Analysis

(SEAL)

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http://dms.dot.gov/reports/reports_aviation.asp*



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

This Certifies That

**KITTY HAWK INTERNATIONAL, INC.
d/b/a AMERICAN INTERNATIONAL AIRWAYS**

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 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 99-3-8
On March 10, 1999
Effective on March 11, 1999**

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

*Reissued by
Order 99-3-8

Attachment



Terms, Conditions, and Limitations

KITTY HAWK INTERNATIONAL, INC. d/b/a AMERICAN INTERNATIONAL AIRWAYS

is authorized to engage in interstate 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.

*This certificate is begin reissued to reflect a change in the holder's name from American International Airways, Inc.

(5) The holder may reduce or terminate service at any point or between any two points, subject to compliance with the provisions of 49 U.S.C. 41734 and all orders and regulations issued by the Department of Transportation under that section.

(6) The holder may not provide scheduled passenger air transportation to or from Dallas (Love Field), Texas, except within the limits set forth in section 29 of the International Air Transportation Competition Act of 1979, as amended by section 337 of the Department of Transportation and Related Agencies Appropriations Act, 1998.

(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 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.



**Experimental
Certificate of Public Convenience and Necessity
for
Foreign Air Transportation
Route 695**

This Certifies That

**KITTY HAWK INTERNATIONAL, INC.
d/b/a AMERICAN INTERNATIONAL AIRWAYS**

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 air transportation of property and mail.

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

By Direction of the Secretary

**Issued by Order 99-3-8
On March 10, 1999
Effective on March 11, 1999**

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



Terms, Conditions, and Limitations

KITTY HAWK INTERNATIONAL, INC. d/b/a AMERICAN INTERNATIONAL AIRWAYS

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

Between the terminal point Miami, Florida; the intermediate point Bogota, Colombia;
and the coterminal points Manaus, São Paulo, Recife, and Rio de Janeiro, Brazil.

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 is not authorized to carry passengers (other than cargo attendants accompanying freight shipments).
 - (3) 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 order of the Department of Transportation issued under them. To the extent that the holder has authority to serve more than one country or points in more than one country on the same route segment, that authority does not confer upon the holder any additional rights (including fifth-freedom intermediate and/or beyond rights) in limited-entry markets unless the holder has been specifically designated to conduct such service, and the Department has completed any necessary carrier selection procedures to determine which carrier(s) should be authorized to exercise such rights. In such cases, the fact that the carrier may hold authority to serve the countries (points) at issue on the same segment will not be considered as providing any preference to the holder in a carrier selection proceeding.
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*This certificate is begin reissued to reflect a change in the holder's name from American International Airways, Inc., and to reflect new standard terms and conditions applicable to U.S. carrier certificates.

(4) 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.

(5) The holder's authority under this certificate is effective only to the extent that such operations are also authorized by the Federal Aviation Administration.

(6) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).

(7) 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.

(8) 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.

(9) In the event that the holder 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.

(10) The holder acknowledges that this certificate is granted to determine if the holder's projected services, efficiencies, methods, rates, fares, charges, or other projected results will, in fact, materialize and remain for a sustained period of time, and to determine whether the holder will provide the innovative and low-priced air transportation it proposed in its application for this authority.

This certificate shall become effective March 11, 1999, and will expire June 5, 2001, unless the Department earlier suspends, modifies, or deletes the authority.



**Certificate of Public Convenience and Necessity
for
Foreign Air Transportation
Route 677**

This Certifies That

**KITTY HAWK INTERNATIONAL, INC.
d/b/a AMERICAN INTERNATIONAL AIRWAYS**

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 air transportation of property and mail.

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

By Direction of the Secretary

**Issued by Order 99-3-8
On March 10, 1999
Effective on March 11, 1999**

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



Terms, Conditions, and Limitations

KITTY HAWK INTERNATIONAL, INC. d/b/a AMERICAN INTERNATIONAL AIRWAYS

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

1. Between a point or points in the United States and a point or points in Australia, New Zealand, Taiwan, Hong Kong, Singapore, and Indonesia.
2. Between a point or points in the United States and a point or points in Costa Rica, Colombia, Belize, El Salvador, Guatemala, Honduras, Nicaragua, and Panama.

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 is not authorized to carry passengers (other than cargo attendants accompanying freight shipments).
 - (3) 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 order of the Department of Transportation issued under them. To the extent that the holder has authority to serve more than one country or points in more than one country on the same route segment, that authority does not confer upon the holder any additional rights (including fifth-freedom intermediate and/or beyond rights) in limited-entry markets unless the
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*This certificate is being reissued to reflect a change in the holder's name from American International Airways, Inc., and to reflect new standard terms and conditions applicable to U.S. carrier certificates.

holder has been specifically designated to conduct such service, and the Department has completed any necessary carrier selection procedures to determine which carrier(s) should be authorized to exercise such rights. In such cases, the fact that the carrier may hold authority to serve the countries (points) at issue on the same segment will not be considered as providing any preference to the holder in a carrier selection proceeding.

(4) 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.

(5) The holder's authority under this certificate is effective only to the extent that such operations are also authorized by the Federal Aviation Administration.

(6) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).

(7) 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.

(8) 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.

(9) In the event that the holder 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.

This certificate shall become effective March 11, 1999.

**SERVICE LIST FOR KITTY HAWK INTERNATIONAL, INC.
d/b/a AMERICAN INTERNATIONAL AIRWAYS**

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