

Served: April 6, 1999



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

Issued by the Department of Transportation
on the 30th day of March, 1999

Applications of

**AERO MICRONESIA, INC.
d/b/a ASIA PACIFIC AIRLINES**

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

**Dockets OST-98-3404
OST-98-3479**

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

Summary

By this order, we (1) confirm our oral action taken with respect to Aero Micronesia, Inc. d/b/a Asia Pacific Airlines, and (2) reissue to the carrier its certificates of public convenience and necessity authorizing it to engage in interstate and foreign charter air transportation of property and mail to reflect the effective date of the authority contained therein.

Background

By Orders 98-10-6 and 98-11-11, served October 5 and November 16, 1998, respectively, we found Aero Micronesia, Inc. d/b/a Asia Pacific Airlines to be fit, willing, and able to conduct certificated air carrier operations under section 41102 of Title 49 of the United States Code ("the Statute") for a period of one year.

The certificates contained the usual condition that they would not become effective until the sixth (business) day after we had received the appropriate FAA documents reflecting the carrier's operating authority, a certificate of insurance on OST Form 6410 showing that it had insurance coverage meeting the requirements of Part 205 of our rules, and a statement describing any substantial changes it may have undergone since its fitness was reviewed, unless a stay was issued prior to that date.

On March 25, 1999, we received an OST Form 6410 showing that the carrier had obtained the liability insurance coverage specified in Part 205 of our rules, and a statement from Asia Pacific that, since its fitness was evaluated, the only substantial change made was in its Chief Inspector. Asia Pacific furnished biographical and compliance information for Mr. Idris D. (Bud) Parry, who has accepted the position of Chief Inspector. He has worked for 39 years in commercial aircraft maintenance and holds an FAA-issued Airframe and Powerplant Mechanic Certificate with an Inspection Authorization.¹ We have reviewed Mr. Parry's employment background and compliance history and conclude that he has necessary experience and qualifications to serve in the designated position with Asia Pacific. In addition, the FAA has advised us that Mr. Parry meets its criteria to serve as the carrier's Chief Inspector.

On March 26, we received a copy of Asia Pacific's FAA Air Carrier Certificate and Operations Specifications authorizing it to engage in charter cargo air service with the leased B-727-200 aircraft specified in its application.

We have examined all of the above documents and find them to be satisfactory.

Asia Pacific requested a waiver of the six-day waiting period so that it could institute air transportation operations on March 29. Since no other issues regarding the carrier have come to our attention, we concluded that no further action was required and that Asia Pacific's certificates should be allowed to become effective on March 29, 1999. We orally advised Asia Pacific of that action on March 26, which we confirm here. As a matter of administrative convenience, we are also reissuing Asia Pacific's Certificates and attached Terms, Conditions, and Limitations, to reflect the effective date of its authority.

ACCORDINGLY, acting under authority assigned by the Department in its Regulations, 14 CFR 385.12(a)(5)(i):

1. We confirm our oral action of March 26, 1999, making the section 41102 interstate and foreign charter cargo certificate authority issued to Aero Micronesia, Inc. d/b/a Asia Pacific Airlines effective on March 29, 1999.
2. We reissue to Aero Micronesia, Inc. d/b/a Asia Pacific Airlines the certificates of public convenience and necessity issued to it by Orders 98-10-6 and 98-11-11, in the attached form to reflect their effective date.
3. Should Aero Micronesia, Inc. d/b/a Asia Pacific Airlines propose to utilize more than two B-727 aircraft in its operations, we direct it to notify the Department in writing at least 45 days in advance and demonstrate its fitness for such operations prior to placing the additional aircraft into service.

¹ Mr. Parry worked for 16 years with the original Pan American World Airways beginning as an aircraft mechanic and ending as Divisional Director of Maintenance-Atlantic Division. He also was employed as System Director of Maintenance for Trans World Express, and most recently served five years as Vice President-Technical Division with Continental Air Micronesia in Guam.

4. We direct Aero Micronesia, Inc. d/b/a Asia Pacific Airlines to furnish, in conjunction with any application for renewal of the temporary authority made effective herein, a statement of any changes in its ownership, key personnel, compliance history, operating plans, or financial posture which it may have undergone between the issuance of this temporary authority and the filing of such renewal application.²

5. We waive the 180-day advance filing requirement for renewal applications mandated by section 377.10(c)(1) of the Department's regulations and will require that any such renewal applications be filed at least 45 days in advance of the expiration of the certificates. Should such timely applications be filed, the certificates granted here shall continue in effect until such time as the Department acts on those applications.

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

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.

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/reports/reports_aviation.asp*

² The report should include a description of the carrier's current operations (number and type of aircraft, principal markets served, total number of full-time and part-time employees), a summary of how these operations have changed during the year, a discussion of any changes it anticipates from its current operations during its second year, current financial statements, and a listing of current senior management and key technical personnel.



**Certificate of Public Convenience and Necessity
for
Interstate Charter Air Transportation
(as reissued)**

This Certifies That

**AERO MICRONESIA, INC.
d/b/a ASIA PACIFIC AIRLINES**

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 property, and mail.

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

By Direction of the Secretary

**Issued by Order 99-3-30
On March 30, 1999
Effective on March 29, 1999**

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



Terms, Conditions, and Limitations

AERO MICRONESIA, INC.
d/b/a ASIA PACIFIC AIRLINES

is authorized to engage in interstate charter air transportation of 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 is not authorized to carry passengers (other than cargo attendants accompanying freight shipments).
- (3) The holder's authority under this certificate is effective only to the extent that such operations are also authorized by the Federal Aviation Administration.
- (4) The holder shall at all times remain a "Citizen of the United States" as required by 49. U.S.C. 40102(a)(15).
- (5) 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 being reissued to reflect its effective date.

(6) The holder is not authorized to engage in air transportation operations between points within the State of Alaska.

(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) This certificate shall expire March 29, 2000.



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

(as reissued)

This Certifies That

**AERO MICRONESIA, INC.
d/b/a ASIA PACIFIC AIRLINES**

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 property, and mail.

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

By Direction of the Secretary

**Issued by Order 99-3-30
On March 30, 1999
Effective on March 29, 1999**

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



Terms, Conditions, and Limitations

AERO MICRONESIA, INC.
d/b/a ASIA PACIFIC AIRLINES

is authorized to engage in foreign charter air transportation of 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 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 orders of the Department of Transportation issued under them or for the purpose of requiring compliance with them.
- (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.

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

(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 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.

(10) This certificate shall expire March 29, 2000.

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