



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

Issued by the Department of Transportation  
on the 10<sup>th</sup> day of June, 1999

Served June 14, 1999

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**Applications/Motions of**

**Federal Express Corporation  
Arrow Air, Inc. and  
Florida West International Airways, Inc.**

**Dockets OST-97-2548**

**Midway Airlines Corporation**

**OST-95-331  
OST-95-779**

**Northwest Airlines, Inc.**

**OST-99-5191  
OST-99-5389**

**Tower Air, Inc.**

**OST-96-1237  
(49371)**

**OST-95-559  
(49135)**

**United Air Lines, Inc. and Air Canada**

**Undocketed**

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

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**ORDER DISMISSING APPLICATIONS AND CONFIRMING GRANT OF WAIVER**

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 Each application or motion has been withdrawn or has otherwise become moot.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.

We also confirm, as set forth in the Appendix to this order, our oral action of April 21, 1999, granting Northwest's request in docket OST-99-5191 for waiver of the advance filing requirements of Part 377.

Persons entitled to petition for review of this order under the Department's regulations, 14 CFR 385.30, 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)

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- OST-97-2548 Federal Express Corporation, Arrow Air Inc., and Florida West International Airways, Inc.**, filed May 21, 1997. Transfer of three U.S.-Argentina all-cargo frequencies from Arrow and Florida West to Federal Express. On June 11, 1998, Counsel for the carriers filed a motion to dismiss the frequency transfer application in Docket OST-97-2548.
- OST-95-331 Midway Airlines Corporation**, filed July 19, 1995. Certificate of public convenience and necessity to engage in scheduled foreign air transportation of persons, property, and mail between (1) Raleigh/Durham, North Carolina, and Cancun, Mexico, and (2) Raleigh/Durham, North Carolina, and St. Maarten, Netherlands Antilles. By Order 96-11-25, issued October 31, 1996, the Department granted Midway's request for certificate authority to serve the Raleigh/Durham-Cancun market (Route 726), but deferred on the carrier's request for certificate authority to serve the Raleigh/Durham-St. Maarten market. On October 21, 1998, Counsel for Midway orally notified the Department that Midway no longer wishes to prosecute the outstanding portion of the application.
- OST-95-779 Midway Airlines Corporation**, filed October 31, 1995. Certificate of public convenience and necessity to engage in scheduled foreign air transportation of persons, property, and mail between Raleigh/Durham, North Carolina, and Bermuda. On March 31, 1999, Counsel for Midway orally notified the Department that it no longer wishes to pursue its application in Docket OST-95-779.
- OST-99-5191 Northwest Airlines, Inc.**, filed March 3, 1999. Consolidation and renewal of statements of authorization to code-share with KLM Royal Dutch Airlines. Northwest seeks renewal of authority to display KLM's designator code: (1) on Northwest flights between Amsterdam, on the one hand, and Boston, Detroit, Minneapolis/St. Paul, Newark, New York (JFK), Philadelphia, Seattle, and Washington (Dulles), on the other; and (2) on certain Northwest flights between 15 KLM U.S. gateways, on the one hand, and a total of 191 U.S. points, on the other. Northwest requested that the Department grant the authority for an indefinite period or until such time as the Department approved Northwest's and KLM's joint application for a blanket statement of authorization for code-share services, filed on June 25, 1998. Northwest further requested a waiver of the advance filing requirement set forth in Part 377 of the Department's Rules of Practice to enable Northwest to take advantage of the automatic extension provisions of the Administrative Procedure Act, 5 U.S.C. §558(c) as implemented by 14 CFR Part 377. On April 21, 1999, staff

orally granted the waiver request and we confirm that action here. On May 21, 1999, the Department approved the joint application of Northwest and KLM for blanket code-share authority. As the authority requested in this docket is encompassed by the blanket authority granted May 21, the application in Docket OST-99-5191 is moot.

**OST-99-5389 Northwest Airlines, Inc.**, filed March 18, 1999. Statement of authorization to code-share with KLM Royal Dutch Airlines, Inc. Northwest seeks authority to display KLM's designator code on certain Northwest flights between 15 KLM U.S. gateways, on the one hand, and the following three points, on the other: Alpena, Michigan; Sault Ste. Marie, Michigan; and Aspen, Colorado. Northwest requested that the Department grant the authority for an indefinite period or until such time as the Department approved Northwest's and KLM's joint application for a blanket statement of authorization for code-share services filed June 25, 1998. On May 21, 1999, the Department approved the joint application of Northwest and KLM for statements of authorization for blanket code-share authority. As the authority requested here is encompassed by the blanket authority granted May 21, the application in Docket OST-99-5389 is moot. The blanket statement of authorization granted requires Northwest to file a 30-day advance notice of any new markets to be served. Since Northwest filed this request March 18, 1999, we will consider this application as fulfilling the 30-day notice requirement.

**OST-96-1237 Tower Air, Inc.**, filed January 14, 1994. Certificate of public (49371) convenience and necessity to engage in scheduled foreign air transportation of persons, property, and mail between Miami, Florida, and Montego Bay, Jamaica. By letter dated March 9, 1999, Counsel for Tower notified the Department that it no longer wishes to pursue its application in Docket 96-1237 (49371).

**OST-95-559 Tower Air, Inc.**, filed September 16, 1993. Certificate of public (49135) convenience and necessity to engage in scheduled foreign air transportation of persons, property, and mail between New York, New York, and points in Jordan and Morocco. By letter dated March 9, 1999, Counsel for Tower notified the Department that it no longer wishes to pursue its application in Docket OST-95-559 (49135).

**Undocketed** **United Air Lines, Inc. and Air Canada**, filed November 5, 1992. Petition for reconsideration of Order 92-10-29 that denied the joint application of United and Air Canada to operate code-share services in the Toronto-Chicago/Houston/Dallas-Ft. Worth markets. At the time United and Air Canada applied for this authority, the authority requested was not provided for under the aviation agreement then in effect. In February 1995, the United States and Canada signed a new aviation agreement that provides for the proposed services. On August 2, 1995, United and Air Canada were granted authority to operate code-share services in the subject markets. Therefore, the issues raised in the petition are moot.