



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

Issued by the Department of Transportation on September 21, 1999

NOTICE OF ACTION TAKEN -- DOCKET OST-95-299

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).

Application of United Air Lines, Inc. filed 8/31/99 to:

XX Renew for two years exemption under 49 U.S.C. 40109 to provide the following service:

Scheduled foreign air transportation of persons, property, and mail between Miami, Florida, and Bonaire, Netherlands Antilles. United intends to operate this service under a code-share arrangement with ALM 1997 Airline, N.V. d/b/a Air ALM. United also requests to integrate this service with its existing certificate and exemption authority to enable United to coterminize its Bonaire services with other Caribbean points, including Curacao, Port-au-Prince, and Aruba.

Applicant rep: Bruce H. Rabinovitz, 202-879-5116 DOT Analyst: Sylvia Moore, 202-366-6519

DISPOSITION

XX **Granted** (subject to conditions, see below)

The above action was effective when taken: September 21, 1999, through September 21, 2001

**Action taken by: Paul L. Gretch, Director
Office of International Aviation**

XX **The exemption authority granted is consistent with the aviation agreement between the United States and the Netherlands Antilles.**

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated: **XX** **Holder's certificate of public convenience and necessity**

XX **Standard exemption conditions (attached)**

XX **Statement of authorization for United/Air ALM code-share operations granted November 10, 1998, and conditions therein**

Conditions: The route integration authority granted is subject to the condition that any service provided under this exemption shall be consistent with all applicable agreements between the United States and the foreign countries involved. Furthermore, (a) nothing in the award of the route integration authority requested should be construed as conferring upon United rights (including fifth-freedom intermediate and/or beyond rights) to serve markets where U.S. carrier entry is limited unless United notifies the Department of its intent to serve such a market and unless and until the Department has completed any necessary carrier selection procedures to determine which carrier(s) should be authorized to exercise such rights; and (b) should there be a request by any carrier to use the limited-entry route rights that are included in United's authority by virtue of the route integration exemption granted here, but that are not then being used by United, the holding of such authority by route integration will not be considered as providing any preference for United in a competitive carrier selection proceeding to determine which carrier(s) should be entitled to use the authority at issue.

(See Reverse Side)

On the basis of data officially noticeable under Rule 24(n) of the Department's regulations, we found the applicant qualified to provide the services authorized.

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) immediate action was required and was consistent with Department policy; (2) grant of the exemption 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, 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.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within ten (10) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

*An electronic version of this document is available on the World Wide Web at:
http://dms.dot.gov/reports/reports_aviation.asp*