

Posted: 1/14/2000
5:00 p.m.

Order 2000-1-15

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

Issued by the Department of Transportation
on the 14th day January, 2000

Served: January 19, 2000

Complaint of

AMERICAN TRANS AIR, INC.

against

**THE GOVERNMENT OF TRINIDAD AND
TOBAGO AND BWIA INTERNATIONAL
AIRWAYS LIMITED**

under 49 U.S.C. Sections 41310 and 41304

Docket OST-99-6515 - 10

ORDER DISMISSING COMPLAINT AND TERMINATING PROCEEDING

On November 17, 1999, American Trans Air, Inc. (ATA), filed a complaint under 49 U.S.C. § 41310 and § 41304 against the Government of Trinidad and Tobago and BWIA, regarding restrictions imposed on ATA's U.S.-Trinidad and Tobago charter program.¹

By Order 99-12-22, the Department approved the complaint of ATA against Trinidad and Tobago and BWIA, and proposed sanctions against BWIA with respect to its New York-Port of Spain service. BWIA filed comments to the Department's show-cause order stating that the Government of Trinidad and Tobago had lifted the restrictions on ATA's charter program and, thus, that no sanctions against BWIA would be warranted.²

On January 12, 2000, ATA filed a motion for leave to withdraw its complaint in this matter. In support of its motion, ATA states that, based on the Government of Trinidad and Tobago's issuance of a diplomatic note to the Embassy of the United States, and ATA's receipt of

¹ We summarized the complaint in Order 99-12-22.

² BWIA had also filed a surreply to ATA's pleadings in the complaint proceeding. That surreply was accompanied by a motion for leave to file. We will grant that motion.

Journey Permit No. 248/99 dated December 23, 1999 (without capacity and frequency restrictions), ATA is satisfied that this matter has been resolved.³

Under these circumstances, we have determined that the Department's objectives under the statute have been met and that it is consistent with the public interest to grant ATA's motion to withdraw its complaint in Docket OST-99-6515 and to terminate this proceeding.⁴ In view of our decision to terminate this proceeding, we will also rescind the schedule filing requirements imposed on BWIA in Order 99-12-22.

ACCORDINGLY,

1. We grant the motion of American Trans Air, Inc., for leave to withdraw its complaint against the Government of Trinidad and Tobago and BWIA International Airways Limited, in Docket OST-99-6515;
2. We terminate the proceeding in Docket OST-99-6515;
3. We rescind our requirement in Order 99-12-22 that BWIA International Airways Limited file schedules for all of its U.S.-Trinidad and Tobago service under 14 CFR Part 213;
4. We grant the December 21, 1999, motion of BWIA to file an otherwise unauthorized document in this proceeding;
5. To the extent not otherwise acted upon, we deny all remaining requests for relief in Docket OST-99-6515; and
6. We will serve this order on American Trans Air, Inc.; BWIA International Airways Limited; American Airlines, Inc.; World Airways, Inc.; the Metropolitan Washington Airports

³ On January 5, 2000, the Ministry of Foreign Affairs of the Republic of Trinidad and Tobago issued a diplomatic note to the U.S. Embassy in Port of Spain which states that the Government of Trinidad and Tobago has withdrawn the capacity and frequency restrictions contained in the journey permits issued to ATA. The note goes on to say that similar restrictions contained in the journey permits issued to other U.S. carriers designated under the U.S.-Trinidad and Tobago Air Transport Agreement have also been withdrawn.

⁴ Our action here effectively vacates the proposed sanctions announced in Order 99-12-22.

Authority; the Ambassador of the Government of Trinidad and Tobago in Washington, D.C.; the U.S. Department of State (Office of Aviation Negotiations); the Assistant U. S. Trade Representative (Office of the United States Trade Representative); the U.S. Department of Commerce (Office of Service Industries); the Air Transport Association; and the National Air Carrier Association.

By:

A. BRADLEY MIMS
Deputy Assistant Secretary for Aviation
and International Affairs

(SEAL)

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