

Order 2001-4-15



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

Issued by the Department of Transportation  
on the 26 day of February, 2001

Served: April 18, 2001

**Applications of**

**Continental Airlines, Inc.**

**Emery Worldwide Airlines, Inc.**

**Northwest Airlines, Inc.**

**Polar Air Cargo, Inc.**

**US Airways, Inc.**

**for certificates of public convenience and necessity  
under section 41102 of Title 49 U.S.C. and the orders  
and regulations of the Department of Transportation**

**Dockets OST-2000-7548 -3**  
**OST-2000-7525 -2**  
**OST-1999-6319 - 8**  
**OST-2000-8445 - 2**  
**OST-95-422 - 223**

ORDER ISSUING CERTIFICATES

The captioned applicants seek grant, renewal, and/or amendment of certificates of public convenience and necessity under section 41102 of Title 49 of the United States Code. The applications are fully described in the attachments to this order. Because the public convenience and necessity bases for granting these applications are clear, and the applications are not controversial, it is appropriate to use this simplified, Subpart B procedure to grant the requested authority.<sup>1</sup>

<sup>1</sup> 14 CFR 302.212 *et seq.* Under Rule 33(b) we may, in our discretion, omit a tentative decision in proceedings under Subpart B and proceed directly to a final decision.

The applicants have filed and perfected each application as required by 14 CFR 201 and served it as required by 14 CFR 302.203(b). Each application was summarized in the Federal Register, as cited in the relevant descriptive attachment, and was also summarized in the Department's published weekly list of applications filed. These notices described the authority sought and gave interested persons an opportunity to submit evidence and objections to the award of the authority. No answers to these applications were filed.

#### Public Convenience and Necessity

We find that grant or amendment of these certificates is consistent with the public convenience and necessity. Where, as noted, the services authorized are the subject of a bilateral agreement, the certificate is consistent with the agreement and uses rights for which the United States has exchanged valuable operating rights. For authority which is not the subject of a bilateral agreement, the grant is consistent with the overall state of aviation relations between the United States and the foreign countries involved. All of the authority conferred here contributes to the variety of price and service options available to travelers and shippers.

#### Fitness/Citizenship

Each applicant is a citizen of the United States as defined in 49 U.S.C. 40102(a)(15). Each is an operating certificated air carrier for which the authority at issue here would not constitute a substantial change in operations that would require further review by the Department. No information has come to our attention which leads us to question the fitness of the applicants to conduct air transportation operations. Therefore, on the basis of data officially noticeable under Rule 24(g) of the Department's regulations, we find each applicant is fit, willing and able to provide the services authorized.

#### Terms, Conditions and Limitations

Each certificate of public convenience and necessity is subject to the standard terms, conditions, and limitations we consistently impose in the public interest. Duration of certificate authority is determined by the nature of the routes at issue. Where routes may be served by multiple U.S. carriers, without restrictions on additional entrants, the certificates are of indefinite duration. Where limited-entry routes are involved, we issue temporary, experimental certificates of five years' duration under 49 U.S.C. 41102(c).<sup>2</sup> The certificates issued to Northwest and Emery to serve Mexico, Continental to serve Peru and Colombia, and Polar to serve Brazil are granted for a five-year term; the certificate issued to US Airways to serve Italy is for an indefinite duration.

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<sup>2</sup> 14 CFR Part 399.120.

### Pendente Lite Exemptions

For those services operated under current exemptions, those exemptions will expire in accordance with their own terms 90 days after we submit this order for review under 49 U.S.C. 41307. For those routes operated under expired exemptions and kept in force by 5 U.S.C. 558(c), the exemption renewal applications on file will be dismissed by separate order, upon the effectiveness of the corresponding certificates of public convenience and necessity. The attachments cite the relevant currently held authority.

### Findings and Conclusions

In view of the foregoing and all the facts of record, we find and conclude that:

1. It is consistent with the public convenience and necessity to amend or issue each applicant a certificate in the form attached;
2. Each applicant is a citizen of the United States and is fit, willing and able to perform properly the foreign air transportation described in the attached certificate or certificate amendment and to conform to the provisions of Subtitle VII of Title 49, United States Code (Transportation), and to the Department's rules, regulations, and requirements;
3. The public interest requires that the exercise of the privileges granted by the attached certificates and certificate amendments be subject to the terms, conditions and limitations contained in and attached to those certificates and to such others required by the public interest as the Department may prescribe;
4. Except as otherwise noted in the attachments, the issuance of each of these certificates and certificate amendments does not constitute a "major regulatory action" under the Energy, Policy and Conservation Act of 1975, as defined by section 313.4(a)(1) of the Department's regulations;<sup>3</sup> and
5. The public interest does not require an oral evidentiary hearing or a show-cause proceeding on any of these applications. There are no material, determinative issues of fact requiring such procedures for their resolution.

ACCORDINGLY,

1. We amend or issue in the form attached, certificates of public convenience and necessity to the applicants listed in the caption of this order;

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<sup>3</sup> Our finding is based on the fact that grant of each application would not result in a near-term increase in annual fuel consumption in excess of 10 million gallons.

2. To the extent not granted, dismissed or deferred, we deny all motions and requests in these dockets;
3. We grant all motions for leave to file otherwise unauthorized documents in the captioned dockets;
4. We will not entertain petitions for reconsideration of this order;<sup>4</sup>
5. We confirm the oral action of the Director, Office of International Aviation granting Continental's request for waiver of the 180-day advance filing requirements of Part 377 to the extent its renewal application in docket OST-2000-7548 was not timely filed.
6. Unless disapproved by the President of the United States under 49 U.S.C. 41307, this order and the attached certificates and certificate amendments shall become effective upon the 61st day after its submission for section 41307 review, or upon the date of receipt of advice from the President or his designee under Executive Order 12597 and implementing regulations that he or she does not intend to disapprove the Department's order under that section, whichever occurs earlier;<sup>5</sup> and
7. We will serve this order on the parties to the captioned dockets of this order, the Ambassador in Washington, DC of each country that the applicants seek authority to serve, the U.S. Department of State (Office of Aviation Negotiations), and the Federal Aviation Administration.

By:

**SUSAN MCDERMOTT**  
Deputy Assistant Secretary for Aviation  
and International Affairs

(SEAL)

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<sup>4</sup> All parties have had a full opportunity to comment on the applications filed. In each case, no answers were filed to the applications for new or amended certificate authority included in this order.

This order was submitted for section 41307 review on February 26, 2001. On April 11, 2000, we received notification that the President's designee under Executive Order 12597 and its implementing regulations did not intend to disapprove the Department's order.

Continental Airlines, Inc.

Renewal of Certificate for **Route 682**

**Filed:** June 19, 2000      **Docket:** OST-2000-7548      **Notice:** 65 FR (41516) 7/5/00

- I. **Authority Sought:** Renew certificate authority on Route 682 to provide scheduled foreign air transportation of persons, property, and mail between Newark, New Jersey and Lima, Peru, via the intermediate point Bogota, Colombia.
- II. **Relevant Currently Held Authorities:** Continental holds certificate authority on Route 682 to serve the above market (Order 95-12-26). Under the terms of the certificate Continental's authority expired December 15, 2000. Continental requested a waiver of the 180-day advance filing requirement of 14 CFR 377 to ensure that its authority would continue in effect beyond the expiration date, pending action on its renewal request. On December 1, 2000, we orally granted the request. We confirm that action here. Continental currently operates nonstop service between Newark and Lima and Newark and Bogota, Colombia.
- III. **Pleadings:** No answers were filed.
- IV. **Public Convenience and Necessity:** The authority granted is consistent with the aviation agreements between the United States and Peru and the United States and Colombia.
- V. **Fitness/Citizenship:** Continental has previously been found to be a citizen of the United States and fit, willing, and able to provide scheduled foreign air transportation of persons, property, and mail as a certificated air carrier under section 41102 of Title 49 U.S.C. See, e.g., Order 2000-8-19. The foreign air transportation authorized here does not constitute a substantial change in operations under Part 204 of the Department's regulations, warranting further review by the Department. Moreover, no information has come to our attention which would lead us to question Continental's fitness to conduct the air transportation operations authorized here.
- VI. **Terms, Conditions and Limitations:** Standard. We will reissue Continental's certificate for Route 682 to grant the requested authority and to delete terms and conditions that have become obsolete since the certificate was last issued.
- VII. **Duration:** Five years. 49 U.S.C. 41102(c).



**Experimental Certificate of Public  
Convenience and Necessity  
for**

**Route 682**  
(as reissued)

**This Certifies That**

**Continental Airlines, Inc.**

**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 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 2001-4-15**  
On February 26, 2001  
Effective on April 11, 2001

**Susan McDermott**  
Deputy Assistant Secretary for  
Aviation and International Affairs

Terms, Conditions and Limitations

Continental Airlines, Inc. for **Route 682**

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

Between Newark, New Jersey; the intermediate point Bogota, Colombia; and the terminal point Lima, Peru.

This authority is subject to the following conditions:

- (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 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 Department has completed any necessary carrier selection procedures to determine which carrier(s) should be authorized to exercise such rights and has notified the foreign country(ies) involved that any such selected carrier(s) has the required authority. 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.
- (3) 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.
- (4) The holder's authority is effective only to the extent that such operations are also authorized by the Federal Aviation Administration (FAA), and comply with all FAA requirements concerning security.
- (5) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. §40102(a)(15).

(6) 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 49 U.S.C. or the Department's regulations shall be sufficient grounds to revoke this certificate.

(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.

(9) The holder acknowledges that this certificate is granted to determine if the holder's projected services, efficiencies, methods, rates, fares, charges, and 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 authority.

This certificate shall become effective April 11, 2001. It shall expire April 11, 2006; unless the Department earlier suspends, modifies or deletes the authority.

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\*This certificate, issued by Order 95-12-26, is reissued to reflect renewal of authority in the Newark-Bogota-Lima market. It also incorporates new standard terms and conditions applicable to U.S. carriers and deletes obsolete terms and conditions.

Emery Worldwide Airlines, Inc.

Amendment of Certificate for **Route 743**

**Filed:** June 15, 2000    **Docket:** OST-2000-7525    **Notice:** 65 FR (39977) 6/28/00

**I. Authority Sought:** Amendment of certificate to add authority to provide scheduled foreign air transportation of property and mail between the coterminal points Dayton, Ohio, and Laredo, Texas, on the one hand, and Leon, Mexico, on the other hand; between the coterminal points Laredo and Brownsville, Texas, on the one hand, and the terminal point Mexico City/Toluca, Mexico, on the other hand; between the terminal point Nashville, Tennessee, and the terminal point Guadalajara, Mexico; and between the terminal point Dayton, Ohio, and the terminal point Monterrey, Mexico. Emery also requests authority to integrate the authority on its amended certificate for Route 743 with its other certificate and exemption authority.

**II. Relevant Currently Held Authority:** Emery currently holds certificate authority to serve various U.S.-Mexico markets on Route 743. In addition, Emery currently serves the Dayton-Leon and Laredo-Leon markets pursuant to exemption authority (Notice of Action Taken dated November 24, 1999, in Docket OST-99-6513); the Laredo-Mexico City/Toluca and Brownsville-Mexico City/Toluca markets pursuant to exemption authority (Notice of Action Taken dated September 23, 1999, in Docket OST-99-6233); the Nashville-Guadalajara market pursuant to exemption authority (Notice of Action Taken dated May 21, 1999, in Docket OST-99-5706); and the Dayton-Monterrey market pursuant to exemption authority (Notice of Action Taken dated April 1, 1999, in Docket OST-99-5415).

**III. Pleadings:** No answers were filed to Emery's application.

**IV. Public Convenience and Necessity:** The authority requested is consistent with the U.S.-Mexico Air Transport Agreement.

**V. Fitness/Citizenship:** Emery has previously been found to be a citizen of the United States and fit, willing and able to provide scheduled foreign air transportation of property and mail as a certificated air carrier under section 41102 of Title 49 U.S.C. See, e.g., Order 2000-5-31. The foreign air transportation authorized does not constitute a substantial change in operations under Part 204 of the Department's regulations warranting further review by the Department. Moreover, no information has come to our attention that would lead us to question Emery's fitness to conduct the air transportation operations authorized here.

**VI. Terms, Conditions and Limitations:** Standard Mexico certificate conditions. (See Order 98-8-18.) We will reissue Emery's certificate for Route 743 to reflect new authority to provide all-cargo service in the Dayton/Laredo-Leon, Laredo/Brownsville-Mexico City/Toluca, Nashville-Guadalajara, and Dayton-Monterrey markets.

**VII. Duration:** Coextensive with certificate duration of Route 743. See Order 2000-5-31.



**Experimental Certificate of Public  
Convenience and Necessity  
for**

**Route 743  
(as reissued)**

**This Certifies That**

**EMERY WORLDWIDE AIRLINES, INC.**

**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 2001-4-15  
On February 26, 2001  
Effective on April 11, 2001**

**Susan McDermott  
Deputy Assistant Secretary for  
Aviation and International Affairs**

Terms, Conditions, and Limitations

Emery Worldwide Airlines, Inc., for **Route 743**

is authorized to engage in scheduled foreign air transportation of property and mail over the following U.S.-Mexico route segments:

**Brownsville-Mexico City/Toluca**  
**Dayton-Leon**  
**Dayton-Mexico City/Toluca**  
**Dayton-Monterrey**  
**El Paso-Chihuahua**  
**Laredo-Leon**  
**Laredo-Mexico City/Toluca**  
**Laredo-Monterrey**  
**Nashville-Guadalajara**

This authority is subject to the following terms, conditions, and limitations:

- (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. 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 Department has completed any necessary carrier selection procedures to determine which carrier(s) should be authorized to exercise such rights and has notified the foreign country(ies) involved that any such

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\*This certificate, last reissued by Order 2000-5-31, is reissued to reflect the award of new authority to serve the Dayton/Laredo-Leon, Laredo/Brownsville-Mexico City/Toluca, Nashville-Guadalajara, and Dayton-Monterrey markets.

selected carrier(s) has the required authority. 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 is effective only to the extent that such operations are also authorized by the Federal Aviation Administration (FAA), and comply with all FAA requirements concerning security.
- (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 Federal Aviation Act or the Department's regulations shall be sufficient grounds to revoke this certificate.
- (8) The holder acknowledges that this certificate is granted to determine if the holder's projected services, efficiencies, methods, rates, fares, charges, and 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.
- (9)(a) The holder may combine services on all segments of this certificate and combine services on this certificate with U.S.-Mexico all-cargo services authorized by other Department of Transportation certificates or exemptions.
  - (b) The provisions in paragraph 9(a), above, shall not authorize services which would constitute multiple designations on city-pair markets where such multiple designations are not agreed to by the United States and Mexico.
- (10) The holder may combine services authorized by this certificate with services between the United States and other foreign points authorized by certificate or by exemption on a blind-sector basis; provided that the services are in compliance with the provisions of all applicable bilateral aviation agreements and, provided further that (a) nothing in the award of the route integration authority requested should be construed as conferring upon the carrier additional rights (including fifth-freedom intermediate and/or beyond rights) to serve markets where U.S. carrier

entry is limited unless the carrier notifies the Department of its intent to serve such a market and unless and until the Department has completed any necessary carrier selection procedure 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 this certificate by virtue of the route integration authority granted here, but that are not being used by the carrier, the holding of such authority by route integration will not be construed as providing any preference for the carrier in a competitive carrier selection proceeding to determine which carrier(s) should be entitled to use the authority at issue.

(12) The holder shall file notice with the Department if it discontinues services on a route segment for 90 days or longer. This notice shall be given as soon as the decision to discontinue service (other than seasonal/intermittent) is made, but in no case later than the 91st day of dormancy. Notices shall be filed in the form of a letter addressed to the U.S. Department of Transportation, U.S. Air Carrier Licensing Division, X-44, 400 Seventh Street, SW, Washington, DC 20590, and shall identify the dormant route segment, the certificate route number, and the date the 90th day of dormancy will or did occur.

(13) 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.

(14) In the event that the holder commences operations for which it was found "fit, willing, and able," and subsequently ceases all such operations, its authority under this certificate shall be suspended under the terms of 14 CFR 204.7 and the holder may not 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 April 11, 2001.

The authority to serve each route segment in this certificate shall continue in effect until **May 30, 2005**; notwithstanding the above, however, the authority to serve any segment shall expire (a) the 90th day after the holder discontinues service on that segment, or (b) the holder notifies the Department (as provided in this certificate) that the segment is dormant, whichever occurs earlier; unless the Department earlier suspends, modifies, or deletes the authority.

Northwest Airlines, Inc.

Amendment of Certificate for **Route 564**

**Filed:** June 12, 2000<sup>1</sup>    **Docket:** OST-99-6319    **Notice:** 65 FR (39977)    6/28/00

**I. Authority Sought:** Amendment of certificate to add authority to provide scheduled foreign air transportation of persons, property, and mail between the terminal point Newark, New Jersey, on the one hand, and the coterminal points Acapulco, Puerto Vallarta, and San Jose del Cabo, Mexico, on the other hand. Northwest states that the authority will be used to conduct service under a code-share arrangement on seasonal flights operated by Continental in each of the subject markets.

**II. Relevant Currently Held Authority:** Northwest currently holds certificate authority to serve various U.S.-Mexico routes (Route 564). Order 2000-8-19. Northwest also holds exemption authority to serve the Newark-Acapulco/Puerto Vallarta/San Jose del Cabo markets (see Notice of Action Taken dated June 29, 2000, Docket OST-2000-7510).

**III. Pleadings:** No answers were filed to Northwest's June 12 amendment to its application in Docket OST-99-6319.

**IV. Public Convenience and Necessity:** The authority requested is consistent with the U.S.-Mexico Air Transport Agreement.

**V. Fitness/Citizenship:** Northwest has previously been found to be a citizen of the United States and fit, willing, and able to provide scheduled foreign air transportation of persons, property, and mail as a certificated air carrier under section 41102 of Title 49 U.S.C. See, e.g., Order 2000-8-19. The foreign air transportation authorized does not constitute a substantial change in operations under Part 204 of the Department's regulations warranting further review by the Department. Moreover, no information has come to our attention which would lead us to question Northwest's fitness to conduct the air transportation operations authorized here.

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<sup>1</sup> Northwest filed its application in Docket OST-99-6319 on October 5, 1999. It then filed amendments to this application on April 28, 2000, and on June 12, 2000. The Department acted on Northwest's original application by Order 2000-5-31 and acted on the April 28, 2000 amendment by Order 2000-8-19. The action taken by this order addresses only the request contained in the amendment filed June 12, 2000.

**VI. Terms, Conditions and Limitations:** Standard Mexico certificate conditions. (See Order 98-8-18.) We will reissue Northwest's certificate for Route 564 to add Newark-Acapulco/Puerto Vallarta/San Jose del Cabo as authorized city-pair markets for foreign scheduled air transportation services of persons, property, and mail.

**VII. Duration:** Coextensive with certificate duration of Route 564. See Order 2000-5-31.



**Experimental Certificate  
of Public Convenience and Necessity**

**for**

**Route 564  
(as reissued)**

**This Certifies That**

**NORTHWEST AIRLINES, INC.**

**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 foreign 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 2001-4-15  
On February 26, 2001  
Effective on April 11, 2001**

**Susan McDermott  
Deputy Assistant Secretary for  
Aviation and International Affairs**

\* As amended and reissued by  
Order 2001-4-15  
Route 564  
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Terms, Conditions and Limitations

Northwest Airlines, Inc., for **Route 564**

is authorized to engage in scheduled foreign air transportation of persons, property, and mail over the following U.S.-Mexico route segments:

**Cleveland-Cancun**  
**Detroit-Cancun**  
**Detroit-Mexico City/Toluca**  
**Detroit-Puerto Vallarta**  
**Detroit-Ixtapa/Zihuatanejo**  
**Houston-Acapulco**  
**Houston-Cancun**  
**Houston-Cozumel**  
**Houston-Guadalajara**  
**Houston-Leon**  
**Houston-Mazatlan**  
**Houston-Merida**  
**Houston-Mexico City/Toluca**  
**Houston-Monterrey**  
**Houston-Puerto Vallarta**  
**Houston-San Jose del Cabo**  
**Houston-Tampico**  
**Houston-Veracruz**  
**Houston-Ixtapa/Zihuatanejo**  
**Los Angeles-Mazatlan**  
**Los Angeles-Puerto Vallarta**  
**Los Angeles-San Jose del Cabo**  
**Memphis-Cancun**  
**Minneapolis/St. Paul-Acapulco**  
**Minneapolis/St. Paul-Cancun**  
**Minneapolis/St. Paul-Cozumel**  
**Minneapolis/St. Paul-Ixtapa/Zihuatanejo**  
**Minneapolis/St. Paul-Puerto Vallarta**  
**Minneapolis/St. Paul-San Jose del Cabo**  
**New York/Newark-Acapulco**

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\* This certificate, last reissued by Order 2000-8-19, is reissued to add new certificate authority to serve the Newark-Acapulco/Puerto Vallarta/San Jose del Cabo markets.

**New York/Newark-Cancun**  
**New York/Newark-Cozumel**  
**New York/Newark-Mexico City/Toluca**  
**New York/Newark-Puerto Vallarta**  
**New York/Newark-San Jose del Cabo**  
**Phoenix-Puerto Vallarta**  
**Phoenix-San Jose del Cabo**  
**San Antonio-Mexico City/Toluca**  
**San Diego-San Jose del Cabo**  
**San Francisco-Mazatlan**  
**San Francisco-Puerto Vallarta**  
**San Francisco-San Jose del Cabo**

This authority is subject to the following terms, conditions, and limitations:

- (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 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. 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 Department has completed any necessary carrier selection procedures to determine which carrier(s) should be authorized to exercise such rights and has notified the foreign country(ies) involved that any such selected carrier(s) has the required authority. 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.
- (3) 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.

- (4) The holder's authority is effective only to the extent that such operations are also authorized by the Federal Aviation Administration (FAA), and comply with all FAA requirements concerning security.
- (5) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).
- (6) 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 Federal Aviation Act or the Department's regulations shall be sufficient grounds to revoke this certificate.
- (7) The holder acknowledges that this certificate is granted to determine if the holder's projected services, efficiencies, methods, rates, fares, charges, and 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.
- (8)(a) The holder may combine services on all segments of this certificate and combine services on this certificate with U.S.-Mexico combination services authorized by other Department of Transportation certificates or exemptions.
- (b) The provisions in paragraph 8(a), above, shall not authorize services which would constitute multiple designations on city-pair markets where such multiple designations are not agreed to by the United States and Mexico.
- (9) The holder may combine services authorized by this certificate with all services authorized by other Department of Transportation certificates or exemptions; provided that such operations are in compliance with the provisions of all applicable bilateral aviation agreements, and provided further that (a) nothing in the award of the route integration authority requested should be construed as conferring upon the holder additional rights (including fifth-freedom intermediate and/or beyond rights) to serve markets where U.S. carrier entry is limited unless the holder first notifies us 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 this certificate by virtue of the route integration authority granted here, but that are not then being used by the carrier, the holding of such authority by route integration will not be considered as providing any preference for the holder in a competitive carrier selection proceeding to determine which carrier(s) should be entitled to use the authority at issue.

(10) The holder shall file a notice with the Department if it discontinues services on a route segment for 90 days or longer. This notice shall be given as soon as the decision to discontinue service (other than seasonally) is made, but in no case later than the 91st day of dormancy. Notices shall be filed in the form of a letter addressed to the U.S. Department of Transportation, U.S. Air Carrier Licensing Division, X-44, 400 Seventh Street, SW, Washington, DC 20590, and shall identify the dormant route segment, the certificate route number, and the date the 90th day of dormancy will or did occur.

(11) 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.

(12) In the event that the holder ceases all such 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 April 11, 2001.

The authority to serve each route segment in this certificate shall continue in effect until **May 30, 2005**; notwithstanding the above, however, the authority to serve any segment shall expire (a) the 90th day after the holder discontinues service on that segment, or (b) the holder notifies the Department (as provided in this certificate) that the segment is dormant, whichever occurs earlier; unless the Department earlier suspends, modifies, or deletes the authority.

Polar Air Cargo, Inc.

Renewal of Certificate for **Route 696**

**Filed:** November 30, 2000      **Docket:** OST-2000-8445      **Notice:** 66 FR (8146) (1/29/01)

- I. **Authority Sought:** Renewal of certificate (Route 696) to provide scheduled foreign air transportation of property and mail between the coterminal points Miami, Florida, and Los Angeles, California; the intermediate points Curaçao, Netherlands Antilles; Santiago, Chile; Barranquilla, Colombia; and Panama City, Panama; and the coterminal points Manaus, Rio de Janeiro, and São Paulo, Brazil.
- II. **Relevant Currently Held Authorities:** Polar currently holds certificate authority on Route 696 to serve the above route. Order 96-6-12. Under the terms of the certificate, Polar's authority on Route 696 will expire June 5, 2001. Polar currently operates four weekly flights between the United States and Brazil. Polar filed a timely application for renewal of its certificate authority.
- III. **Pleadings:** No answers to the applications were filed.
- IV. **Public Convenience and Necessity:** The authority granted is consistent with the aviation agreements between the United States and the Netherlands Antilles, the United States and Chile, the United States and Colombia, the United States and Panama, and the United States and Brazil.
- V. **Fitness/Citizenship:** Polar has previously been found to be a citizen of the United States and fit, willing, and able to provide scheduled foreign air transportation of property and mail as a certificated air carrier under section 41102 of Title 49 U.S.C. Order 99-12-7. The foreign air transportation authorized here does not constitute a substantial change in operations under Part 204 of the Department's regulations warranting further review by the Department. Moreover, no information has come to our attention that would lead us to question the fitness of Polar to conduct the air transportation authorized here.
- VI. **Terms, Conditions, and Limitations:** Standard. We will reissue Polar's certificate for Route 696 to grant the requested authority and to delete terms and conditions that have become obsolete since the certificate was last reissued.
- VII. **Duration:** Five years. 49 U.S.C. §41102(c).



**Experimental Certificate of Public  
Convenience and Necessity  
for**

**Route 696**  
(as reissued)

**This Certifies That**

**Polar Air Cargo, Inc.**

**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 2001-4-15  
On February 26, 2001  
Effective on April 11, 2001**

**Susan McDermott  
Deputy Assistant Secretary for  
Aviation and International Affairs**

Terms, Conditions and Limitations

Polar Air Cargo, Inc. for **Route 696**

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

Between the coterminal points Miami, Florida, and Los Angeles, California; the intermediate points Curaçao, Netherlands Antilles; Santiago, Chile; Barranquilla, Colombia; and Panama City, Panama; and the coterminal points Manaus, Rio de Janeiro, and São Paulo, Brazil.

This authority is subject to the following conditions:

- (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 Department has completed any necessary carrier selection procedures to determine which carriers(s) should be authorized to exercise such rights and has notified the foreign country(ies) involved that any such selected carrier(s) has the required authority. 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 is effective only to the extent that such operations are also authorized by the Federal Aviation Administration (FAA), and comply with all FAA requirements concerning security.

(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 49 U.S.C. 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, and 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 authority.

This certificate shall become effective April 11, 2001. It shall expire April 11, 2006; unless the Department earlier suspends, modifies or deletes the authority.

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\*This certificate, issued by Order 96-6-12, is reissued to reflect renewal of authority in the U.S.-Brazil market for an additional five years. It also incorporates new standard terms and conditions applicable to U.S. carriers and deletes obsolete terms and conditions.

US Airways, Inc.

Renewal of Certificate for **Route 690**

**Filed:** October 10, 2000      **Docket:** OST-95-422      **Notice:** 65 FR (78255) 12/4/00

- I. **Authority Sought:** Renewal of certificate (Route 690) to provide scheduled foreign air transportation of persons, property, and mail between Philadelphia, Pennsylvania, and Rome, Italy. US Airways requests renewal of its authority for an indefinite duration or, in the alternative, renewal for a period of no less than five years.
- II. **Relevant Currently Held Authorities:** US Airways holds certificate authority on Route 690 to serve the above route. Order 97-7-2. Under the terms of the certificate US Airways' authority will expire April 10, 2001. US Airways operates daily service between Philadelphia and Rome. US Airways filed a timely application for renewal of its certificate authority.
- III. **Pleadings:** No answers to the application were filed.
- IV. **Public Convenience and Necessity:** The authority granted is consistent with the aviation agreement between the United States and Italy.
- V. **Fitness/Citizenship:** US Airways has previously been found to be a citizen of the United States and fit, willing, and able to provide scheduled foreign air transportation of persons, property, and mail as a certificated air carrier under section 41102 of Title 49 U.S.C. Order 99-4-21. The foreign air transportation authorized here does not constitute a substantial change in operations under Part 204 of the Department's regulations warranting further review by the Department. Moreover, no information has come to our attention that would lead us to question the fitness of US Airways to conduct the air transportation operations authorized here.
- VI. **Terms, Conditions, and Limitations:** Standard. We will reissue US Airways' certificate for Route 690 to grant the requested authority and to delete terms and conditions that have become obsolete since the certificate was last issued.
- VII. **Duration:** The duration of certificate authority is determined by the nature of the routes at issue. Where routes may be served by multiple U.S. carriers, without restrictions on additional entrants, we issue certificates for an indefinite duration. Where limited-entry routes are involved, we issue temporary, experimental certificates of five years' duration. Since the last time we issued the authority at issue here to US Airways, the United States and Italy implemented an open-skies aviation agreement that does not place restrictions on designations, frequencies, or routes. Thus, we have renewed and reissued US Airways' certificate authority for an indefinite duration.



## **Certificate of Public Convenience and Necessity**

**for**

**Route 690  
(as reissued)**

**This Certifies That**

**US Airways, Inc.**

**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 foreign 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 2001-4-15  
On February 26, 2001  
Effective on April 11, 2001**

**Susan McDermott  
Deputy Assistant Secretary for  
Aviation and International Affairs**

Terms, Conditions and Limitations

US Airways, Inc. for **Route 690**

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

Between the terminal point Philadelphia, Pennsylvania, and the terminal point Rome, Italy.

The authority is subject to the following conditions:

- (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 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 Department has completed any necessary carrier selection procedures to determine which carrier(s) should be authorized to exercise such rights and has notified the foreign country(ies) involved that any such selected carrier(s) has the required authority. 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.
- (3) 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.
- (4) The holder's authority is effective only to the extent that such operations are also authorized by the Federal Aviation Administration (FAA), and comply with all FAA requirements concerning security.
- (5) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).

\*As reissued by  
Order 2001-4-15  
Route 690  
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(6) 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 49 U.S.C. or the Department's regulations shall be sufficient grounds to revoke this certificate.

(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.

This certificate shall become April 11, 2001.

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\*This certificate, issued by Order 96-4-23, and reissued by Order 97-7-2, is further reissued to reflect renewal of authority in the Philadelphia-Rome market. It also incorporates new standard terms and conditions applicable to U.S. carriers and deletes obsolete terms and conditions.