

146052



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

Issued by the Department of Transportation on December 28, 2001

**NOTICE OF ACTION TAKEN – DOCKET OST-2001-11158 – 3**

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).

Applicant: WESTJET

Date Filed: December 11, 2001, as supplemented December 21, 2001

Relief requested: Exemption from 49 USC section 41301 to permit the applicant to conduct: 1) scheduled, combination services between any point or points in Canada and any point or points in the United States; and 2) charter operations between Canada and the United States, and other charters in accordance with 14 CFR Part 212.

If renewal, date of last action: New authority.

Applicant representative(s): Constance O'Keefe, 202-775-0680

Responsive pleadings: None

**DISPOSITION**

Action: Approved.

Action date: December 28, 2001

Effective dates of authority granted: December 28, 2001, through December 28, 2002.

Basis for approval: United States-Canada Air Transport Agreement

Except to the extent exempted/waived, this authority is subject to the terms, conditions, and limitations indicated: Standard exemption conditions.

Special Conditions/Partial Grant/Remarks: The Canadian carrier WestJet is in the process of reorganizing and the applicant here for authority by exemption – WestJet – is the corporate successor. We found, based on the record of this case and of WestJet's application for a foreign air carrier permit filed on December 11, 2001, in Docket OST 2001-11156, that the carrier is operationally and financially qualified to conduct its proposed scheduled operations, and is substantially owned and effectively controlled by citizens of Canada. Also, the FAA has advised us that it knows of no reason to withhold this authority.

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

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) our action was consistent with Department policy; (2) the applicant was qualified to perform its proposed operations; (3) grant of the authority was consistent with the public interest; and (4) 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/deferred/dismissed, 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](http://dms.dot.gov/reports/reports_aviation.asp)*