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Order 2002-2-1
Served: February 6, 2002



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

Issued by the Department of Transportation
on 14th day of December, 2001

Applications of

American Airlines, Inc.

Continental Airlines, Inc.

Continental Micronesia, Inc.

Delta Air Lines, Inc.

United Air Lines, 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-95-766 -4
OST-96-1394 -4

OST-96-1423 -4

OST-95-869 -4

OST-2001-9855 -2
OST-96-1371 -4

OST-96-1389 -5

OST-95-656 -6

ORDER ISSUING CERTIFICATES

The captioned applicants seek renewal 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.¹

¹ 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 renewal 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).² The certificate authorities reissued or amended here are renewed for a five-year term.³

² 14 CFR Part 399.120.

³ In this regard, we note that we are dismissing, for reasons explained in the pertinent attachment (Attachment F), United's request for indefinite authority to serve the Washington, DC-Spain market.

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 renew each 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;⁴ 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 renew, in the form attached, certificates of public convenience and necessity to the applicants listed in the caption of this order;
2. We dismiss United's application to the extent that it seeks Washington, DC-Spain authority for an indefinite duration;
3. To the extent not granted, dismissed, or deferred, we deny all motions and requests in these dockets;
4. We grant all motions for leave to file otherwise unauthorized documents in the captioned dockets;

⁴ 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.

5. We will not entertain petitions for reconsideration of this order;⁵
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;⁶ 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:

READ C. VAN DE WATER
Assistant Secretary for Aviation
and International Affairs

(SEAL)

⁵ All parties have had a full opportunity to comment on the applications filed. In each case, no answers were filed to the applications for renewal of certificate authority included in this order.

⁶ This order was submitted for section 41307 review on December 14, 2001. On January 31, 2002, we received notification that the President's designee under Executive Order 12597 and implementing regulations did not disapprove the Department's order.

American Airlines, Inc.

Renewal of Certificate for **Route 602**

Filed: June 1, 2001 **Docket:** OST-95-766 **Notice:** 66 FR (37731) 6/12/01
August 13, 2001 OST-96-1394 66 FR (46861) 9/7/01

- I. **Authority Sought:** Scheduled foreign air transportation of persons, property, and mail between (1) a point or points in the United States (excluding St. Louis, MO; and New York, NY/Newark, NJ); and Barcelona, Spain (segment 3), and (2) the coterminal points Dallas/Ft. Worth, Texas and Miami, Florida, and the coterminal points Madrid, Barcelona, Malaga, and Palma de Mallorca, Spain (segment 4).
- II. **Relevant Currently Held Authority:** American currently holds certificate authority to serve the above routes. Orders 96-10-44 and 97-1-10. Under the terms of the certificate, American's authority to serve Barcelona, Spain on segment 3 expired December 5, 2001. American filed a timely application for renewal and its authority has remained in effect pursuant to the provisions of the Administrative Procedure Act, 5 U.S.C. 558(c), pending action on its timely filed renewal application. American operates daily nonstop service between Miami and Madrid. American's authority on segment 4 to serve Madrid, Barcelona, Malaga, and Palma de Mallorca, Spain will expire February 20, 2002. American also filed a timely application for renewal of its U.S.-Spain certificate authority on segment 4. American operates its Barcelona authority under a code-share arrangement with Iberia Lineas Aereas de Espana, S.A.
- III. **Pleadings:** No answers were filed.
- IV. **Public Convenience and Necessity:** The authority granted is consistent with the aviation agreement between the United States and Spain.
- V. **Fitness/Citizenship:** American 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 §41102 of Title 49 U.S.C. See, e.g., Order 2001-5-26. 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 American's fitness to conduct the air transportation operations authorized here.

- VI. **Terms, Conditions and Limitations:** Standard. We will amend American's certificate authority on segments 3 and 4 of Route 602 to reflect renewal of the authority for an additional five years.
- VII. **Duration:** Five years. 49 U.S.C. §41102(c).

American Airlines, Inc.

Certificate Amendment for Route 602

Amend conditions (12) and (16) as follows:

- (12) The authority to serve Barcelona, Spain on segment 3 shall expire January 31, 2007, unless the Department earlier suspends, modifies, or deletes the authority.
- (16) The authority to serve Spain on segment 4 shall expire January 31, 2007, unless the Department earlier suspends, modifies, or deletes the authority.

This certificate amendment shall become effective January 31, 2002.

*The certificate authority on segment 3, originally issued by Order 91-4-47, and amended by Order 96-10-44, is further amended to reflect renewal of authority to serve Barcelona, Spain for an additional five years. The certificate authority on segment 4, originally issued by Order 91-10-54 and amended by Order 97-1-10, is further amended to reflect renewal of authority to serve Madrid, Barcelona, Malaga, and Palma de Mallorca, Spain for an additional five years.

Continental Airlines, Inc.

Renewal of Certificate for **Route 29-F**

Filed: August 1, 2001 **Docket:** OST-96-1423 **Notice:** 66 FR (42909) 8/15/01

- I. **Authority Sought:** Scheduled foreign air transportation of persons, property, and mail between New York, NY/Newark, New Jersey, and Madrid and Barcelona, Spain.

- II. **Relevant Currently Held Authority:** Continental holds certificate authority on segment 13 of Route 29-F to provide scheduled foreign air transportation of persons, property, and mail on the above route. Order 97-1-10. Under the terms of the certificate, Continental's authority to serve Spain on segment 13 will expire February 20, 2002. Continental operates daily nonstop service between New York/Newark and Madrid. Continental filed a timely application for renewal of its U.S.-Spain certificate authority on segment 13.

- III. **Pleadings:** No answers were filed.

- IV. **Public Convenience and Necessity:** The authority granted is consistent with the aviation agreement between the United States and Spain.

- 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 §41102 of Title 49 U.S.C. See, e.g., Order 2001-5-26. 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 amend Continental's certificate for Route 645 to reflect renewal of the authority to serve Spain on segment 13 for another five years.

- VII. **Duration:** Five years. 49 U.S.C. §41102(c).

*As amended by
Order 2002-2-1
Route 735
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Certificate Amendment

Continental Airlines, Inc. for **Route 29-F**

Amend condition (9) as follows:

(9) The authority to serve Spain on segment 13 shall expire January 31, 2007, unless the Department suspends, modifies, or deletes the authority.

This certificate amendment shall become effective January 31, 2002.

*This certificate authority, originally issued by Order 91-10-54, amended by Orders 92-11-46 and 97-1-10, and reissued by Order 2001-8-19, is further amended to reflect renewal of authority to serve Spain on segment 13 of Route 29-F for an additional five years.

Continental Micronesia, Inc.
Renewal of Certificate for **Route 171**

Filed: June 8, 2001 **Docket:** OST-95-869 **Notice:** 66 FR (32860) 6/18/01

- I. **Authority Sought:** Scheduled foreign air transportation of persons, property, and mail between Guam, and Tokyo, Japan.

- II. **Relevant Currently Held Authority:** Continental Micronesia currently holds certificate authority on segment 10 of Route 171 to serve the above route. Order 96-10-44. Under the terms of the certificate, Continental Micronesia's authority expired December 5, 2001. Continental Micronesia filed a timely application for renewal of its certificate authority on segment 10, and its authority has remained in effect pursuant to the provisions of the Administrative Procedure Act, 5 U.S.C. 558(c), pending action on its timely filed renewal application. Continental Micronesia operates twice daily service between Guam and Tokyo.

- III. **Pleadings:** No answers were filed.

- IV. **Public Convenience and Necessity:** The authority granted is consistent with the aviation agreement between the United States and Japan.

- V. **Fitness/Citizenship:** Continental Micronesia 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 §41102 of Title 49 U.S.C. *See, e.g.,* Order 99-3-27. 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 Micronesia's fitness to conduct the air transportation operations authorized here.

- VI. **Terms, Conditions and Limitations:** Standard. We will amend Continental Micronesia's certificate for Route 171 to reflect renewal of the authority on segment 10 for another five years.

- VII. **Duration:** Five years. 49 U.S.C. §41102(c).

*As amended by
Order 2002-2-1
Route 171
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Continental Micronesia, Inc. for Route 171

Amend condition (11) as follows:

(11) The authority on segment 10 shall expire January 31, 2007, unless the Department earlier suspends, modifies or deletes the authority.

This certificate amendment shall become effective January 31, 2002.

*This certificate authority, issued by Order 92-11-46 and amended by Order 96-10-44, is further amended to reflect renewal of authority to serve the Guam-Tokyo market for an additional five years.

Delta Air Lines, Inc.

Renewal of Certificate for **Route 616**

Filed: June 7, 2001 **Docket:** OST-2001-9855 **Notice:** 66 FR (32860) 6/18/01

- I. **Authority Sought:** Scheduled foreign air transportation of persons, property, and mail on (a) segment 3 between the coterminal points Portland, OR; Detroit, MI; Houston, TX; Philadelphia, PA; New York, NY/Newark, NJ; Boston, MA, and Athens Greece; and (b) segment 9 between a point or points in the United States and Athens, Greece.

- II. **Relevant Currently Held Authority:** Delta currently holds certificate authority to serve the above markets. Order 96-10-44. Under the terms of the certificate, Delta's authority to serve Greece expired December 5, 2001. Delta filed a timely application for renewal of its certificate authority on segments 3 and 9, and its authority has remained in effect pursuant to the provisions of the Administrative Procedure Act, 5 U.S.C. 558(c), pending action on its timely filed renewal application. Delta operates daily service between New York and Athens.

- III. **Pleadings:** No answers were filed.

- IV. **Public Convenience and Necessity:** The authority granted is consistent with the aviation agreement between the United States and Greece.

- V. **Fitness/Citizenship:** Delta 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 §41102 of Title 49 U.S.C. See, e.g., Order 2001-1-14. The foreign air transportation authorized does not constitute a substantial change in operations under Part 204 of the Department's regulations. Moreover, no information has come to our attention which would lead us to question Delta's fitness to conduct the air transportation operations authorized here.

- VI. **Terms, Conditions and Limitations:** Standard. We will amend Delta's certificate for Route 616 to reflect renewal of the authority on segments 3 and 9 for another five years.⁷

- VII. **Duration:** Five years. 49 U.S.C. 41102(c).

⁷ Delta's authority to serve Milan, Italy on segment 3 and Rome, Italy on segment 11 also expired December 5, 2001. Delta stated that it is not requesting renewal of its Italy authority on segments 3 and 11 because such authority is now encompassed by Delta's broad U.S.-Italy certificate on Route 789 (Order 2000-4-5).

*As amended by
Order 2002-2-1
Route 616
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Delta Air Lines, Inc.

Certificate Amendment for Route 616

Amend condition (11) as follows:

(11) The following authority shall expire on January 31, 2007.

Segment 3: Athens, Greece

Segment 9: Athens, Greece

This certificate amendment shall become effective January 31, 2002.

*This certificate authority, originally issued by Order 91-10-33 and amended by Order 96-10-44, is further amended to reflect renewal of authority to serve Athens for an additional five years.

Delta Air Lines, Inc.

Renewal of Certificate for **Route 178**

Filed: August 23, 2001 **Docket:** OST-96-1371 **Notice:** 66 FR (46861) 9/7/01

- I. **Authority Sought:** Scheduled foreign air transportation of persons, property, and mail between Atlanta, Georgia, and Madrid, Barcelona, Malaga, and Palma de Mallorca, Spain.

- II. **Relevant Currently Held Authority:** Delta holds certificate authority on segment 5 of Route 178 to provide scheduled foreign air transportation of persons, property, and mail on the above route. Order 97-1-10. Under the terms of the certificate Delta's authority to serve Spain will expire February 20, 2002. Delta operates daily nonstop service between Atlanta and Madrid and Atlanta and Barcelona. Delta filed a timely application for renewal of its certificate authority on segment 5.

- III. **Pleadings:** No answers were filed.

- IV. **Public Convenience and Necessity:** The authority requested is consistent with the aviation agreement between the United States and Spain.

- V. **Fitness/Citizenship:** Delta 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 carrier under §41102 Title 49 U.S.C. See, e.g., Order 2001-1-14. 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 Delta's fitness to conduct the air transportation operations authorized here.

- VI. **Terms, Conditions and Limitations:** Standard. We will amend Delta's certificate for Route 178 to reflect renewal of the authority to serve Spain on segment 5 for another five years.

- VII. **Duration:** Five years. 49 U.S.C. §41102.

*As amended by
Order **2002-2-1**
Route 178
Page 1 of 1

Certificate Amendment

Delta Air Lines, Inc. for **Route 178**

Amend condition (6) as follows:

(6) The holder's authority to serve Spain on segment 5 shall expire January 31, 2007, unless the Department earlier suspends, modifies, or deletes this authority.

This certificate amendment shall become effective January 31, 2002.

*This certificate authority, originally issued by Order 91-10-54 and amended by Order 97-1-10, is further amended to reflect renewal of authority to serve the Atlanta-Spain market for an additional five years.

United Air Lines, Inc.

Renewal and Amendment of Certificate for **Route 603**

Filed: August 10, 2001 **Docket:** OST-96-1389 **Notice:** 66 FR (45357) 8/27/01

- I. **Authority Sought:** Scheduled foreign air transportation of persons, property, and mail between Washington, DC and Madrid, Barcelona, Malaga, and Palma de Mallorca, Spain. United requested that the authority be renewed for an indefinite period because it argues that services in the Washington, DC-Spain market are not restricted under the U.S.-Spain aviation agreement. United also requested new authority to integrate this authority with its existing exemption and certificate authority.

- II. **Relevant Currently Held Authority:** United holds certificate authority on segment 6 of Route 603 to serve the above route. Order 97-1-10. Under the terms of the certificate, United's authority will expire February 20, 2002. United operates this authority under a code-share arrangement with Spanair. United filed a timely application for renewal of its certificate authority on segment 6.

- III. **Pleadings:** No answers were filed.

- IV. **Public Convenience and Necessity:** The authority granted is consistent with the aviation agreement between the United States and Spain. (See Section VI, below.)

Consistent with our standard practice to afford carriers the maximum operating flexibility possible, we will also grant United the authority to integrate the requested U.S.-Spain authority with its existing certificate and exemption authority. The route integration authority granted is subject to the provisions of the aviation agreements between the United States and the foreign countries involved, and with our standard condition regarding route integration in limited-entry markets.

- V. **Fitness/Citizenship:** United 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 §41102 of Title 49 U.S.C. See, e.g., Order 2000-8-10. 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 United's fitness to conduct the air transportation operations authorized here.

- VI. Terms, Conditions and Limitations:** Standard. We will amend United's certificate for Route 603 to reflect renewal of authority to serve Spain on segment 6 for another five years, and will add a new condition authorizing route integration. We will dismiss United's request that its certificate authority be renewed for an indefinite duration. Although, as United notes, there may be some flexibility under the U.S.-Spain aviation agreement for additional U.S.-Spain services, that regime still technically remains a limited-entry regime. In these circumstances, we are not persuaded that it is in the public interest to deviate from our standard practice to limit U.S. carrier route authority to five years in country-pair markets where U.S. carrier rights are not fully open.⁸
- VII. Duration:** Five years. 49 U.S.C. §41102(c).

⁸ See, e.g., Order 98-6-22, at 4, regarding services in the U.S.-Japan market.

United Air Lines, Inc. for **Route 603**

Amend condition () as follows:

() The holder's authority on segment 6 shall expire January 31, 2007, unless the Department earlier suspends, modifies, or deletes the authority.

Add a new condition as follows:

() 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 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 this certificate by virtue of the route integration authority granted here, but that are not then being used, the holding of such authority by route integration will not be construed 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.

This certificate amendment shall become effective January 31, 2002.

*This certificate authority, originally issued by Order 91-10-54 and amended by Order 97-1-10, is further amended to reflect renewal of authority to serve the Washington, DC-Spain market for an additional five years and to add a new condition authorizing route integration.

US Airways, Inc.

Renewal of Certificate for **Route 737**

Filed: October 22, 2001 **Docket:** OST-95-656 **Notice:** 66 FR (57505/57506) 11/15/01

- I. **Authority Sought:** Scheduled foreign air transportation of persons, property, and mail between Philadelphia, PA; and Boston, MA; on the one hand, and Madrid, Barcelona, Malaga, and Palma de Mallorca, Spain, on the other.
- II. **Relevant Currently Held Authority:** US Airways holds certificate authority on Route 737 to serve the above route. Order 97-7-2. Under the terms of the certificate US Airways' authority will expire April 23, 2002. US Airways operates daily nonstop service between Philadelphia and Madrid. US Airways filed a timely application for renewal of its certificate.
- III. **Pleadings:** No answers were filed.
- IV. **Public Convenience and Necessity:** The authority requested is consistent with the aviation agreement between the United States and Spain.
- 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 carrier under §41102 Title 49 U.S.C. See, e.g., Order 2001-4-15. 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 US Airways' fitness to conduct the air transportation operations authorized here.
- VI. **Terms, Conditions and Limitations:** Standard. We will reissue US Airways' certificate for Route 737 to reflect renewal of the authority to serve Spain for another five years.
- VII. **Duration:** Five years. 49 U.S.C. §41102.



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

**Route 737
(as reissued)**

This Certifies That

US Airways, 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 2002-2-1
On December 14, 2001
Effective on January 31, 2002**

**Read C. Van de Water
Assistant Secretary for Aviation
and International Affairs**

Terms, Conditions and Limitations

US Airways, Inc. for **Route 737**

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

Between the coterminal points Philadelphia, Pennsylvania, and Boston, Massachusetts, and the coterminal points Madrid, Barcelona, Malaga, and Palma de Mallorca, Spain.

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 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.

(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.

This certificate shall become effective January 31, 2002. It shall expire January 31, 2007, unless the Department earlier suspends, modifies, or deletes the authority.

*This certificate, issued by Order 97-3-24 and reissued by Order 97-7-2, is further reissued to reflect renewal of authority in the U.S.-Spain market for an additional five years.