



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

Issued by the Department of Transportation on January 3, 2001

**NOTICE OF ACTION TAKEN -- DOCKET OST 95-736  
-- DOCKET OST-98-3581**

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Application of AMERICA WEST AIRLINES, INC., filed 12/7/2000 for:

**XX** Renewal of exemptions under 49 U.S.C. §40109 to provide the following service:

**Docket OST-95-736:**

Scheduled foreign air transportation of persons, property, and mail between (1) the terminal point Phoenix, Arizona, on the one hand, and the coterminal points San Jose del Cabo, Mazatlan, Mexico City, Puerto Vallarta, Manzanillo, and Acapulco, Mexico, on the other hand; and (2) the terminal point Las Vegas, Nevada, and Mexico City, Mexico. America West states that the authority will be used to provide seasonal service in all of the markets listed.

**Docket OST-98-3581:**

Scheduled foreign air transportation of persons, property, and mail between the terminal point Phoenix, Arizona, and the terminal point Ixtapa/Zihuatanejo, Mexico, for seasonal services.

America West requests that the authority described above (in Dockets OST-95-736 and OST-98-3581), be renewed indefinitely. America West also requests that, in order to facilitate future processing of renewal applications (in the absence of indefinite authority), and to ease the administrative burden imposed on the Department by multiple renewal applications, Docket OST-98-3581 be consolidated into Docket OST-95-736.

Applicant rep: Joanne W. Young (202) 861-1532 DOT Analyst: Linda L. Lundell (202) 366-2336

**DISPOSITION**

**XX** Granted Renewal of Exemption Authority for Two-Year Period (See Remarks)

**XX** Granted Request for Consolidation of Dockets OST-95-736 and OST-98-3581 into Docket OST-95-736

**XX** Dismissed Request for Longer-term Authority (See Remarks)

The above action granting the requested exemption authority was effective when taken: 1/3/2001, through 1/3/2003, or until 90 days after final Department action on a corresponding certificate application, whichever occurs earlier.

The above action granting the request for consolidation was effective when taken: 1/3/2001.

The above action dismissing the request for longer-term authority was effective when taken: 1/3/2001.

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

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

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:

**XX Holder's certificate of public convenience and necessity**

**XX Standard Exemption Conditions (attached)**

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Special Conditions/Remarks: **The U.S.-Mexico exemption authority granted is subject to the dormancy notice requirements set forth in condition 7 of Appendix A of Order 88-10-2.**

Dismissal: **It is our standard practice, for this type of application, to renew exemption authority for no longer than a period of two years. Consistent with this practice, we have dismissed America West's request for longer-term authority.**

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

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) our action was consistent with Department policy; (2) grant of the exemption was consistent with the public interest; and (3) grant of the authority would not constitute a major regulatory action under the Energy Policy and Conservation Act of 1975. To the extent not granted or 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)*

## APPENDIX

### U.S. Carrier Standard Exemption Conditions

In the conduct of operations authorized by the attached notice, the applicant(s) shall:

- (1) Hold at all times effective operating authority from the government of each country served;
- (2) Comply with applicable requirements concerning oversales contained in 14 CFR (for scheduled operations, if authorized);
- (3) Comply with the requirements for reporting data contained in 14 CFR 241;
- (4) Comply with requirements for minimum insurance coverage, and for certifying that coverage to the Department, contained in 14 CFR 205;
- (5) Except as specifically exempted or otherwise provided for in a Department Order, comply with the requirements of 14 CFR 203, concerning waiver of Warsaw Convention liability limits and defenses;
- (6) Comply with the applicable requirements of the Federal Aviation Administration Regulations (FAA), including all FAA requirements concerning security; and
- (7) Comply with such other reasonable terms, conditions, and limitations required by the public interest as may be prescribed by the Department of Transportation, with all applicable orders and regulations of other U.S. agencies and courts, and with all applicable laws of the United States.

The authority granted shall be effective only during the period when the holder is in compliance with the conditions imposed above.