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

Issued by the Department of Transportation on March 22, 2002

NOTICE OF ACTION TAKEN – DOCKET OST-2002-11615 - 4

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 Continental Airlines, Inc. filed 02/15/2002 for:

**XX** Waiver of the dormancy conditions applicable to certain of its U.S.-Ecuador and U.S.-Japan frequency allocations.

Continental requests a waiver through December 31, 2002, of the dormancy condition applicable to one-and-a-half (1.5) of its U.S.-Ecuador frequencies for service between Houston and Quito, Ecuador via Panama City, Panama; and two (2) of its U.S.-Japan frequencies for service between New York (Newark) and Tokyo, Japan. Continental states that, due to the continued economic uncertainties stemming from the events of September 11, and a sustained decline in the demand for U.S.-Ecuador and U.S.-Japan services, it requires an extension of its existing waivers of the dormancy conditions in these markets.<sup>1</sup>

Applicant rep: **R. Bruce Keiner (202) 624-2615**

DOT Analyst: **Michael D. Bodman (202) 366-9667**

**DISPOSITION**

**XX** Granted (see below).

The above action was effective when taken: **March 22, 2002**, through **December 31, 2002**.<sup>2</sup>

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

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

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

**Remarks:** By Order 2001-11-15, following the events of September 11, 2001, the Department granted all U.S. carriers a blanket waiver from the dormancy conditions related to their international route authorities through March 31, 2002. The Department stated that it would entertain applications to extend the dormancy waiver beyond March 31 for specific city-pair, limited-entry services where carriers can demonstrate that circumstances warrant. While we have granted Continental's U.S.-Ecuador and U.S.-Japan requests here, as in the public interest, based on the circumstances stated in the request, there should be no expectation that any additional requests will similarly be granted. Any future requests to extend the dormancy waivers for the frequencies at issue here will have to be considered in light of the specific arguments offered in support of the request(s) and any comments that might be filed

<sup>1</sup>In its application, Continental also sought a waiver of the dormancy condition on its U.S.-Brazil frequencies. We will handle Continental's waiver request with respect to its Brazil frequencies by separate notice.

<sup>2</sup>Continental's waiver from the dormancy condition is effective until December 31, 2002, or until the date on which Continental begins service with these frequencies, whichever occurs earlier. The 90-day dormancy period will begin on the date Continental begins service. As to any frequency with which Continental does not begin service by December 31, 2002, its allocation with respect to that frequency will expire automatically.

in response, and in the context of the circumstances present at that time. Furthermore, should another carrier seek to use the frequencies at issue here, we reserve the right to reexamine whether the waivers granted here continue to be in the public interest.

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Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) our action was consistent with Department policy; and (2) grant of the authority was consistent with the public interest. To the extent not granted, 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 seven (7) 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 order is available on the World Wide Web at  
[http://dms.dot.gov/reports/reports\\_aviation.asp](http://dms.dot.gov/reports/reports_aviation.asp)*