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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 – DOCKETS OST-2002-11615, OST-1999-6284 - 213**

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 in Docket OST-2002-11615 for:

**XX** Waiver of the dormancy condition applicable to certain of its U.S.-Brazil frequencies.

Application of American Airlines, Inc. filed 02/15/2002 in Docket OST-1999-6284 for:

**XX** Waiver of the dormancy condition applicable to certain of its U.S.-Brazil frequencies.

Continental requests a waiver through December 31, 2002, of the dormancy condition applicable to four (4) of its U.S.-Brazil frequencies for service between New York (Newark) and Rio de Janeiro. 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.-Brazil services, it requires a further waiver of the dormancy condition in this market.<sup>1</sup>

American seeks a waiver through January 8, 2003, of the dormancy condition applicable to two (2) of its U.S.-Brazil frequencies. American states that it briefly suspended nonstop service between New York (JFK) and Rio de Janeiro after September 11, but then resumed service in the market beginning December 15, 2002. Nonetheless, due to unfavorable economic conditions and a shortage of long-range wide-body aircraft, American states that it has suspended two of its seven New York (JFK)-Rio de Janeiro services. American states that it expects to continue service five days a week until January 8, 2003, when it intends to resume daily service.

Delta filed an answer opposing Continental's and American's applications. American filed a response.<sup>2</sup>

United Air Lines filed a consolidated response to the applications referenced above.<sup>3</sup>

Applicant reps: R. Bruce Keiner for Continental (202) 624-2615; Carl B. Nelson for American (202) 496-5647  
DOT Analyst: Michael D. Bodman (202) 366-9667

**DISPOSITION**

**XX** Granted waivers through April 30, 2002 (see remarks below).

**XX** Balance of applications deferred (see remarks below).

The above action granting waivers was effective when taken: March 22, 2002, through April 30, 2002.

The above action deferring action on the balance of the applications was effective when taken: March 22, 2002.

<sup>1</sup>In its application, Continental also sought a waiver of the dormancy condition on its U.S.-Ecuador and U.S.-Japan frequencies. We will handle these requests by separate notice.

<sup>2</sup>American's response was accompanied by a motion for leave to file an otherwise unauthorized document. We grant the motion.

<sup>3</sup>United's response was accompanied by a motion for leave to file an otherwise unauthorized document. We grant the motion.

**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**

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**Remarks:** The waivers with respect to American's and Continental's Brazil services expires March 31, 2002. The Department may not be able to complete its decision on the merits of the carriers' request in the captioned dockets before expiration of the current waivers. Accordingly, for procedural reasons, we have granted a limited temporary extension of the carriers' waiver requests, to maintain the *status quo* and enable the carriers to retain their frequencies, pending final Department action on the applications.

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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 or deferred, 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)*