



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

Served: June 3, 2002

Issued by the Department of Transportation
on the **28th day of March, 2002**

Applications of

AMERICAN AIRLINES, INC.

**Dockets OST-98-3742 ²
OST-2002-11755**

CONTINENTAL AIRLINES, INC.

**OST-98-4686
OST-2002-11760**

CONTINENTAL MICRONESIA, INC.

OST-2002-11528

DELTA AIR LINES, INC.

OST-99-6246

NORTHWEST AIRLINES, INC.

**OST-98-3758
OST-2002-11765**

UNITED AIR LINES, INC.

**OST-98-3853
OST-2002-11772
OST-99-6385
OST-95-625**

US AIRWAYS, INC.

**OST-2002-11774
OST-2002-11601**

for new and/or amended certificates of public
convenience and necessity pursuant to
49 U.S.C. 41102 (U.S.-France) ¹

¹ Delta, in Docket OST-99-6246, and United in Docket OST-99-6385, both seek certificates to serve numerous foreign markets. For administrative convenience, we have decided in this order to act only on that part of each carrier's certificate application that seeks authority to serve France. We will defer action on the balance of the requests.

² Docket OST-2002-11755 was formerly Docket 42736; Docket OST-2002-11760 was formerly Docket 44615; Docket OST-2002-11765 was formerly Docket 45767; Docket OST-2002-11772 was formerly Docket 46406; and Docket OST-2002-11774 was formerly Docket 46873.

ORDER ISSUING CERTIFICATES

Summary

By this order, we are granting new certificate authority to serve the U.S.-France market, consistent with the provisions of the January 22, 2002, U.S.-France open-skies aviation agreement. The order also dismisses, as moot, various requests for city-pair specific certificate authority in the U.S.-France market.

Background

On January 22, 2002, the United States and France reached an agreement on open-skies.³ The agreement eliminates restrictions involving airline services between the two countries. In addition to U.S.-Metropolitan France services, the new agreement also encompasses operations to and from the French Departments of America and Overseas Territories, as set forth in the attached certificates.⁴

Applications

American, Continental, Continental Micronesia, Delta, Northwest, United, and US Airways seek new and/or amended certificates of public convenience and necessity under section 41102 of Title 49 of the United States Code to serve the U.S.-France market. The applications are described in the attachment to this order.

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. Except as noted below, no answers to the applications were filed.⁵

³ On January 22, 2002, the United States and France signed open-skies amendments to the June 16, 1998, Air Transport Agreement between the United States and France. The open-skies amendments provide for broad rights for the designated carriers of each side.

⁴ The January 22, 2002, U.S.-France agreement includes certain restrictions on intermediate and beyond services on other than Metropolitan France routes. (See Section 1A of the amended Annex I route schedule as set forth in Article I, paragraph 16 of the January 2002 agreement). The services authorized here are subject to those restrictions.

⁵ United filed a motion to consolidate its application (in Docket OST-98-3853) with that of American (in Docket OST-98-3742) and Northwest (in Docket OST-98-3758). As we are acting on all U.S.-France certificate requests concurrently, there is no need to consolidate any of the applications and we will dismiss United's motion. In addition, American, United, and Northwest each filed an answer to Delta's broad certificate application in Docket OST-99-6246, urging the Department to grant their own requests for broad certificate authority. Further, United filed an answer to Continental's original application in Docket OST-98-4686, stating that it had no objection to Continental's application so long as United's application for broad U.S.-France certificate authority is granted. By this order, we are granting the requests of each of these carriers for broad U.S.-France certificate authority.

Decision

We have decided to award broad U.S.-France certificates, as set forth in this order. The services authorized are the subject of, and consistent with, the U.S.-France open-skies agreement. The certificates, therefore, use rights for which the United States has exchanged valuable operating rights. All of the authority conferred here contributes to the variety of price and service options available to travelers and shippers. We, therefore, find that it is consistent with the public convenience and necessity to award this new certificate authority.

We also find that the public interest does not require an oral evidentiary hearing or show-cause proceeding on any of the applications. There are no material, determinative issues of fact requiring such procedures for their resolution. Therefore, it is appropriate to use simplified, Subpart B procedures to grant the subject authority⁶ and, also where appropriate, to dismiss applications that have become moot.

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 requiring 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.⁷ Therefore, on the basis of data officially noticeable under Rule 24(g) of the Department's regulations, we find that each operating 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. Consistent with our standard practice, where routes may be served by multiple U.S. carriers without restrictions on additional entrants or capacity, we will award the subject certificates for an indefinite duration.⁸

It is also our policy to award carriers the authority to integrate newly awarded certificate authority with their existing authorities to afford carriers the maximum operating flexibility to operate their services. We have followed that policy here and awarded route integration authority

⁶ 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.

⁷ Each of the applicants receiving authority by this order has previously been found to be fit to provide scheduled foreign air transportation. (See *e.g.*, Order 2001-12-8 for American, Continental, Delta, and Northwest; Order 2000-8-19 for United; and Order 2001-4-15 for US Airways.)

⁸ We note that each of the applicants has requested the broad U.S.-France certificate authority in a slightly different form. For the purposes of consistency and administrative clarity, we have decided to award broad U.S.-France certificate authority in one unified format to all the U.S. carrier applicants, consistent with the route descriptions set forth in the January 22, 2002, U.S.-France open-skies agreement.

in each of the attached certificates. The integration authority is subject to our standard conditions on route integration authority involving limited-entry markets.

Given the broad nature of the authority requested to third countries as intermediate and beyond points on the proposed France services, we will add a standard condition that makes clear that our authorization of services to third countries includes only services to countries with which the United States has signed open-skies agreements and/or countries for which the carrier holds authority to serve under certificates or exemptions issued by the Department and for which it holds route integration authority.

Finally, we note that, with the exception of Continental Micronesia, all of the applicant carriers already hold some certificate authority to serve France. Some of the applicants have requested new broad U.S.-France certificates and some have requested amendments to their existing certificates to authorize broad U.S.-France services. That existing authority, however, is generally limited in duration and geographic scope pursuant to experimental certificates of public convenience and necessity because the governing aviation agreement then applicable restricted U.S. carrier services. Given the new open-skies aviation agreement that generally removes restrictions on air carrier services, we believe that new, non-experimental certificates are more appropriate than amendments to existing experimental certificates. Therefore, we will issue new certificates for the subject U.S.-France authority.⁹

Pendente Lite Exemptions

For those services operated under current exemptions, those exemptions will expire in accordance with their own terms 90 days after we submit this order for review under section 49 U.S.C. 41307. For those routes operated under expired exemptions and kept in force by 5 U.S.C. 558(c), the exemption renewal applications on file will be dismissed by separate order, upon the effectiveness of the corresponding certificates of public convenience and necessity. The attachment cites the relevant currently held authority.

Dismissals

We will dismiss a number of U.S.-France certificate applications that no longer need to be addressed as a result of the new open-skies aviation agreement, or that have otherwise become moot.¹⁰ First, we will dismiss certain applications filed by the captioned carriers for point-specific U.S.-France certificate authority. By virtue of our action here to grant the carriers' requests for broad U.S.-France certificate authority, the requested point-specific authority is now encompassed in the broad certificate and, thus, is no longer necessary. Accordingly, we will dismiss, as moot, the following U.S.-France point-specific certificate applications: Continental's request for Newark-Paris authority in Docket OST-2002-11760; Northwest's request for Detroit-France authority in Docket OST-2002-11765; United's request for U.S.-Paris authority in Docket

⁹ To the extent that carriers would now hold duplicate authority to serve certain city-pair markets, the existing authority is superseded by the new broader certificate authority awarded here. The existing authority will expire by its own terms.

¹⁰ Various answers were filed to the applications described here. However, because these applications are being dismissed, as moot, it is no longer necessary to address the issues raised.

OST-2002-11772; United's request for French Polynesia authority in Docket OST-99-6385; United's request to add Lyon and Nice as authorized points in France in Docket OST-95-625; and US Airways' request for New York-Paris authority in Docket OST-2002-11774.

Second, we will dismiss, as moot, the petition of American for reconsideration of Order 85-4-42. In its petition, American seeks reconsideration of the Department's decision in Order 85-4-42 to dismiss American's request, in Docket OST-2002-11755, for certificate authority to serve the Dallas/Ft. Worth-Paris market. As we have decided to grant broad U.S.-France certificate authority by this order, American's petition for reconsideration is now moot.¹¹

We will also dismiss Continental's request in Docket OST-98-4686; Continental Micronesia's request in Docket OST-2002-11528; Northwest's request in Docket OST-98-3758, United's request in Docket OST-98-3853, and US Airways' request in Docket OST-2002-11601, to the extent the carriers request certain behind U.S. gateway authority in their broad U.S.-France certificates. The authority to conduct operations from points behind the United States is inherent in the authority we award U.S. carriers to perform foreign air transportation. Thus, these requests are moot.

Finally, we will dismiss Northwest's request, in Docket OST-98-3758, to engage in foreign air transportation of property and mail between France and any point or points, since such services are not in foreign air transportation and Northwest requires no additional Departmental authorization to conduct those services, as long as there is not more than a *de minimus* amount of traffic that would be in foreign air transportation, having an origin or destination in the United States.

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 issue the certificates 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 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 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. To the extent that the service proposals here would exceed a near-term increase in

¹¹ In Docket OST-98-3742, American states that its petition in Docket OST-2002-11755 should be dismissed, as moot, upon grant of broad U.S.-France certificate authority in Docket OST-98-3742 (see application for amendment of certificate (Route 602), at 4).

annual fuel consumption in excess of 10 million gallons, and, thus, that award of such authority would 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, that the additional service to be provided under this authority and resulting public benefits outweigh any adverse effects that may be caused by the increased fuel consumption; 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 issue, in the form attached, certificates of public convenience and necessity to the applicants listed in the caption of this order;
2. We grant the application of Delta Air Lines, Inc., in Docket OST-99-6246, to the extent the carrier requests broad U.S.-France certificate authority. We defer action on the remainder of the application;
3. We grant the June 27, 2000, motion of United Air Lines, Inc., to file a supplement to its application in Docket OST-99-6385, and the February 27, 1998, motion of United Air Lines, Inc., to file an amendment to its application in Docket OST-95-625;
4. We dismiss the May 13, 1998, motion of United Air Lines, Inc., to consolidate its application (in Docket OST-98-3853), with that of American Airlines, Inc. (in Docket OST-98-3742), and Northwest Airlines, Inc. (in Docket OST-98-3758);
5. We dismiss the October 19, 1999, motion of United Air Lines, Inc., filed in Docket OST-98-3853, for expedited action;
6. We dismiss, as moot, the following applications: Continental Airlines, Inc., in Docket OST-2002-11760 (formerly Docket 44615); Northwest Airlines, Inc., in Docket OST-2002-11765 (formerly 45767); United Air Lines, Inc., in Docket OST-2002-11772 (formerly Docket 46406); and US Airways, Inc., in Docket OST-2002-11774 (formerly Docket 46873);
7. We dismiss, as moot, the application of United Air Lines, Inc., in Docket OST-99-6385, to the extent the carrier requests authority to serve French Polynesia;
8. We dismiss, as moot, the application of United Air Lines, Inc., in Docket OST-95-625, to the extent the carrier requests authority to serve Lyon and Nice;
9. We dismiss, as moot, the application of Continental Airlines, Inc., in Docket OST-98-4686; Continental Micronesia, Inc., in Docket OST-2002-11528; United Air Lines, Inc., in Docket OST-98-3853; and US Airways, Inc., in Docket OST-2002-11601, to the extent the carriers request certain behind U.S. gateway authority;

10. We dismiss, as moot, the application of Northwest Airlines, Inc., in Docket OST-98-3758, to the extent the carrier requests certain behind U.S. gateway authority and seventh-freedom all-cargo authority;

11. We dismiss, as moot, the petition of American Airlines, Inc., for reconsideration of Order 85-4-42, to the extent that Order 85-4-42 dismissed American's application for certificate authority, filed in Docket OST-2002-11755 (formerly Docket 42736);

12. To the extent not granted, or explicitly dismissed, we deny all motions and requests in these dockets;

13. Unless disapproved by the President of the United States under 49 U.S.C. 41307, this order and the attached certificates 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;¹² and

14. We will serve this order on the parties listed in the captioned dockets, which includes the applicants; the Ambassador of France in Washington, D.C.; other parties in these dockets; 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)

*An electronic version of this order is available on the World Wide Web at
http://dms.dot.gov/reports/reports_aviation.asp*

¹² This order was submitted for section 41307 review on March 28, 2002. On May 28, 2002, we received notification that the President's designee under Executive Order 12597 and implementing regulations did not intend to disapprove the Department's order.

SUMMARY OF U.S.-FRANCE CERTIFICATE APPLICATIONS

CARRIER	DATE	DOCKET	NOTICE	APPLICATIONS/ REQUESTS	RELEVANT AUTHORITY HELD	DISPOSITION
American	4/20/98	OST-98-3742	63 FR 63956 11/17/98	Broad U.S.-France and beyond certificate authority, with route integration.	Rt. 602 (various U.S.-France points). Order 91-4-47, amended by Orders 91-10-54 and 96-5-9. ¹³	Granted broad U.S.-France certificate authority with route integration.
American	1/7/85	OST-2002-11755 (formerly Docket 42736)	50 FR 4294 1/30/85	Petition for Reconsideration of Order 85-4-42, dismissing American's certificate application for Dallas/Ft. Worth-Paris authority. ¹⁴	Exemption to serve the Dallas/Ft. Worth-Paris market. See NOAT dated 12/6/99, Docket OST-95-928. ¹⁵	Dismissed as moot.
Continental	11/2/98, amended 2/7/02	OST-98-4686	63 FR 63956 11/17/98, and 67 FR 11741 3/15/02	Broad U.S.-France and beyond certificate authority with route integration, including behind U.S. gateway authority. ¹⁶	Broad U.S.-France exemption authority. See NOAT dated 3/1/02, Docket OST-98-3744.	Granted broad U.S.-France certificate authority with route integration. Dismissed request for behind U.S. gateway authority.
Continental	1/12/87	OST-2002-11760 (formerly Docket 44615)	52 FR 2783 1/26/87	Certificate authority to serve the Newark-Paris market.	See above.	Dismissed as moot.

¹³ American also holds exemption authority to serve Miami-Paris (see Notice of Action Taken (NOAT) dated 6/22/00, Docket OST-96-1417).

¹⁴ In Docket OST-98-3742, American states that its petition in Docket OST-2002-11755 should be dismissed as moot upon grant of broad U.S.-France certificate authority in Docket OST-98-3742.

¹⁵ Under the terms of the exemption, the Dallas/Ft. Worth-Paris authority expired December 6, 2001. American filed a timely application for renewal of the authority to keep the authority in force pursuant to the provisions of the Administrative Procedure Act (APA), 5 U.S.C. 558(c).

¹⁶ Continental's original application, in Docket OST-98-4686, sought broad U.S.-France and beyond certificate authority. However, in its amendment dated February 7, 2002, Continental requests U.S.-France and beyond authority to the full extent authorized by the January 22, 2002, U.S.-France open skies agreement, including route integration authority.

SUMMARY OF U.S.-FRANCE CERTIFICATE APPLICATIONS

CARRIER	DATE	DOCKET	NOTICE	APPLICATIONS/ REQUESTS	RELEVANT AUTHORITY HELD	DISPOSITION
Continental Micronesia	2/7/02	OST-2002-11528	67 FR 9018 2/27/02	Broad U.S.-France and beyond certificate authority with route integration, including behind U.S. gateway authority.	Exemption to serve between Guam and Noumea, New Calendonina. See NOAT dated 8/1/01, Docket OST-97-2920.	Granted broad U.S.-France certificate authority with route integration. Dismissed request for behind U.S. gateway authority.
Delta	9/21/99, supple- mented 10/28/99, 12/29/99, 5/18/00, and 11/1/00.	OST-99-6246	64 FR 61175- 61176 11/9/99	Broad certificate authority to serve various open-entry markets, with route integration. This order only deals with that portion of the application requesting broad U.S.-France and beyond certificate authority.	Rt. 616 (various U.S.-France points). Order 91-10-33, amended by Orders 92-4-33, 95-3-25, and 95-4-41. Rt. 756 (U.S.-France and Johannesburg, South Africa). Order 99-1-5. Broad U.S.-France exemption authority. See NOAT dated 3/01/02, Docket OST-98-3740.	Granted broad U.S.-France certificate authority with route integration. Deferred on remainder of request in this Docket.
Northwest	4/17/98, amended 1/25/02	OST-98-3758	63 FR 63956 11/17/98, and 67 FR 9018 2/27/02	Broad U.S.-France and beyond certificate authority with route integration, including behind U.S. gateway and seven-freedom all-cargo authority. ¹⁷	Broad U.S.-France exemption authority. dated 3/01/02, Docket OST-98-3760.	Granted broad U.S.-France certificate authority with route integration. Dismissed request for behind U.S. gateway and seventh-freedom all-cargo authority.
Northwest	8/22/88	OST-2002-11765 (formerly Docket 45767)	53 FR 34358 9/6/88	Certificate authority to serve the Detroit-France and beyond market.	See above.	Dismissed as moot.

¹⁷ Northwest's original application, in Docket OST-98-3758, explicitly excluded a request for New York-Paris certificate authority because of then-applicable limitations for such service under the U.S.-France aviation agreement. On January 25, 2002, however, Northwest filed an amendment to its application requesting authority to achieve maximum operating flexibility under the January 22, 2002, U.S.-France open skies agreement, including New York-Park certificate authority and behind U.S. gateway and seventh-freedom all-cargo certificate authority.

SUMMARY OF U.S.-FRANCE CERTIFICATE APPLICATIONS

CARRIER	DATE	DOCKET	NOTICE	APPLICATIONS/ REQUESTS	RELEVANT AUTHORITY HELD	DISPOSITION
United	5/13/98, amended 2/5/02	OST-98-3853	63 FR 28547 5/26/98, and 67 FR 9018 2/27/02	Broad U.S.-France and beyond certificate authority with route inte- gration, including behind U.S. gateway authority.	Rt. 603 (various U.S.-France points). Order 91-2-5, amended by Order 91-10-54. Broad U.S.-France exemption authority. See NOAT dated 3/01/02, Dockets OST-98-3732 and OST-2000-7628.	Granted broad U.S.-France certificate authority with route integration. Dis- missed request for behind U.S. gateway authority.
United	7/18/89	OST-2002-11772 (formerly Docket 46406)	54 FR 31399 1/28/89	Certificate authority to serve the U.S.-Paris market.	See above.	Dismissed as moot.
United	10/19/99, supple- mented 6/27/00 ¹⁸	OST-99-6385	64 FR 59226- 59227 11/2/99	Broad certificate authority to serve various open-entry markets, with route integration. This order only deals with that portion of the application requesting certificate authority to serve French Polynesia.	See above	Dismissed, as moot, the request for French Poly- nesia certificate authority. Deferred on remainder of the application.
United	3/5/93, amended 2/27/98 ¹⁹	OST-95-625 (formerly Docket 48678)	58 FR 14239 3/16/93, and 63 FR 11472 3/9/98	Certificate amendment of Rt. 603 to add various authority, including certificate authority to serve Lyon and Nice (in addition to Paris).	See above.	Dismiss, as moot, the request to add Lyon and Nice (in addition to Paris) to Rt. 603. Deferred on remainder of the application.

¹⁸ United accompanied its supplement with a motion for leave to file after the answer date for the original application had passed. We will grant the motion.

¹⁹ United accompanied its amendment with a motion for leave to file after the answer date for the original application had passed. We will grant the motion.

SUMMARY OF U.S.-FRANCE CERTIFICATE APPLICATIONS

CARRIER	DATE	DOCKET	NOTICE	APPLICATIONS/ REQUESTS	RELEVANT AUTHORITY HELD	DISPOSITION
US Airways	2/14/02	OST-2002-11601	67 FR 10470 3/7/02	Broad U.S.-France and beyond certificate authority with route integration, including behind U.S. gateway authority.	Broad U.S.-France exemption authority. See NOAT dated 3/01/02, Dockets OST-96-1000, OST-97-3034, and OST-99-6205.	Granted broad U.S.-France certificate authority with route integration. Dismissed request for behind U.S. gateway authority.
US Airways	3/30/90	OST-2002-11774 (formerly Docket 46873)	55 FR 13211 4/9/90	Certificate authority to serve the Philadelphia-Paris market.	See above.	Dismissed as moot.



Certificate of Public Convenience and Necessity

**For
Route 807**

This Certifies That

AMERICAN AIRLINES, 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 2002-5-25
On March 28, 2002
Effective on May 28, 2002**

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

Terms, Conditions, and Limitations

American Airlines, Inc., for **Route 807**

is authorized to engage in scheduled foreign air transportation of persons, property, and mail: ²

- (1) Between points in the United States via intermediate points to a point or points in Metropolitan France and beyond.
- (2) Between points in the United States via intermediate points to French Departments of America and beyond.
- (3) Between points in the United States and New Caledonia and/or Wallis and Futuna.
- (4) Between points in the United States via intermediate points to French Polynesia and beyond.
- (5) Between points in the United States via intermediate points to Saint-Pierre and Miquelon and beyond.

This authority is subject to the following terms, conditions, and limitations:

- (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 orders of the Department of Transportation issued under them. To the extent that the

¹ This certificate is issued to reflect new authority to serve the U.S.-France market.

² The January 22, 2002, U.S.-France agreement includes certain restrictions on intermediate and beyond services on other than Metropolitan France routes. (See Section 1A of the amended Annex I route schedule as set forth in Article I, paragraph 16 of the January 2002 agreement). The services authorized here are subject to those restrictions.

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's authority is effective only to the extent that such operations are also authorized by the Federal Aviation Administration (FAA), and comply with all U.S. Governments requirements concerning security.

(5) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).

(6) 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.

(7) 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.

(8) 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.

(9) 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 consistent with the applicable bilateral aviation agreements; and provided further, that (a) nothing in the award of the route integration authority granted 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 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 not 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.

(10) The authority granted to serve intermediate and beyond points in conjunction with the France service authorized under this certificate is limited to countries with which the United States has signed open-skies agreements and/or countries for which the carrier holds authority to serve under certificates or exemptions issued by the Department, and for which it holds route integration authority.

This certificate shall become effective May 28, 2002.



Certificate of Public Convenience and Necessity

**For
Route 808**

This Certifies That

CONTINENTAL AIRLINES, 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 2002-5-25
On March 28, 2002
Effective on May 28, 2002**

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

Terms, Conditions, and Limitations

Continental Airlines, Inc., for **Route 808**

is authorized to engage in scheduled foreign air transportation of persons, property, and mail: ²

- (1) Between points in the United States via intermediate points to a point or points in Metropolitan France and beyond.
- (2) Between points in the United States via intermediate points to French Departments of America and beyond.
- (3) Between points in the United States and New Caledonia and/or Wallis and Futuna.
- (4) Between points in the United States via intermediate points to French Polynesia and beyond.
- (5) Between points in the United States via intermediate points to Saint-Pierre and Miquelon and beyond.

This authority is subject to the following terms, conditions, and limitations:

- (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 orders of the Department of Transportation issued under them. To the extent that the holder has authority to serve more than

¹ This certificate is issued to reflect new authority to serve the U.S.-France market.

² The January 22, 2002, U.S.-France agreement includes certain restrictions on intermediate and beyond services on other than Metropolitan France routes. (See Section 1A of the amended Annex I route schedule as set forth in Article I, paragraph 16 of the January 2002 agreement). The services authorized here are subject to those restrictions.

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's authority is effective only to the extent that such operations are also authorized by the Federal Aviation Administration (FAA), and comply with all U.S. Government requirements concerning security.

(5) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).

(6) 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.

(7) 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.

(8) 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.

(9) 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 consistent with the applicable bilateral aviation agreements; and provided further, that (a) nothing in the award of the route integration authority granted 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 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 not 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.

(10) The authority granted to serve intermediate and beyond points in conjunction with the France service authorized under this certificate is limited to countries with which the United States has signed open-skies agreements and/or countries for which the carrier holds authority to serve under certificates or exemptions issued by the Department, and for which its holds route integration authority.

This certificate shall become effective May 28, 2002.



Certificate of Public Convenience and Necessity

For Route 809

This Certifies That

CONTINENTAL MICRONESIA, 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 2002-5-25
On March 28, 2002
Effective on May 28, 2002**

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

Terms, Conditions, and Limitations

Continental Micronesia, Inc., for **Route 809**

is authorized to engage in scheduled foreign air transportation of persons, property, and mail: ²

- (1) Between points in the United States via intermediate points to a point or points in Metropolitan France and beyond.
- (2) Between points in the United States via intermediate points to French Departments of America and beyond.
- (3) Between points in the United States and New Caledonia and/or Wallis and Futuna.
- (4) Between points in the United States via intermediate points to French Polynesia and beyond.
- (5) Between points in the United States via intermediate points to Saint-Pierre and Miquelon and beyond.

This authority is subject to the following terms, conditions, and limitations:

- (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 orders of the Department of Transportation issued under them. To the extent that the holder has authority to serve more than

¹ This certificate is issued to reflect new authority to serve the U.S.-France market.

² The January 22, 2002, U.S.-France agreement includes certain restrictions on intermediate and beyond services on other than Metropolitan France routes. (See Section 1A of the amended Annex I route schedule as set forth in Article I, paragraph 16 of the January 2002 agreement). The services authorized here are subject to those restrictions.

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's authority is effective only to the extent that such operations are also authorized by the Federal Aviation Administration (FAA), and comply with all U.S. Government requirements concerning security.
- (5) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).
- (6) 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.
- (7) 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.
- (8) 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.
- (9) 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 consistent with the applicable bilateral aviation agreements; and provided further, that (a) nothing in the award of the route integration authority granted 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 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 not 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.

(10) The authority granted to serve intermediate and beyond points in conjunction with the France service authorized under this certificate is limited to countries with which the United States has signed open-skies agreements and/or countries for which the carrier holds authority to serve under certificates or exemptions issued by the Department, and for which its holds route integration authority.

This certificate shall become effective May 28, 2002.



Certificate of Public Convenience and Necessity

For Route 810

This Certifies That

DELTA AIR LINES, 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 2002-5-25
On March 28, 2002
Effective on May 28, 2002**

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

Terms, Conditions, and Limitations

Delta Air Lines, Inc., for **Route 810**

is authorized to engage in scheduled foreign air transportation of persons, property, and mail: ²

- (1) Between points in the United States via intermediate points to a point or points in Metropolitan France and beyond.
- (2) Between points in the United States via intermediate points to French Departments of America and beyond.
- (3) Between points in the United States and New Caledonia and/or Wallis and Futuna.
- (4) Between points in the United States via intermediate points to French Polynesia and beyond.
- (5) Between points in the United States via intermediate points to Saint-Pierre and Miquelon and beyond.

This authority is subject to the following terms, conditions, and limitations:

- (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 orders of the Department of Transportation issued under them. To the extent that the holder has authority to serve more than

¹ This certificate is issued to reflect new authority to serve the U.S.-France market.

² The January 22, 2002, U.S.-France agreement includes certain restrictions on intermediate and beyond services on other than Metropolitan France routes. (See Section 1A of the amended Annex I route schedule as set forth in Article I, paragraph 16 of the January 2002 agreement). The services authorized here are subject to those restrictions.

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's authority is effective only to the extent that such operations are also authorized by the Federal Aviation Administration (FAA), and comply with all U.S. Government requirements concerning security.
- (5) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).
- (6) 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.
- (7) 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.
- (8) 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.
- (9) 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 consistent with the applicable bilateral

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aviation agreements; and provided further, that (a) nothing in the award of the route integration authority granted 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 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 not 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.

(10) The authority granted to serve intermediate and beyond points in conjunction with the France service authorized under this certificate is limited to countries with which the United States has signed open-skies agreements and/or countries for which the carrier holds authority to serve under certificates or exemptions issued by the Department, and for which its holds route integration authority.

This certificate shall become effective May 28, 2002.



Certificate of Public Convenience and Necessity

For Route 811

This Certifies That

NORTHWEST AIRLINES, 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 2002-5-25
On March 28, 2002
Effective on May 28, 2002**

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

Terms, Conditions, and Limitations

Northwest Airlines, Inc., for **Route 811**

is authorized to engage in scheduled foreign air transportation of persons, property, and mail: ²

- (1) Between points in the United States via intermediate points to a point or points in Metropolitan France and beyond.
- (2) Between points in the United States via intermediate points to French Departments of America and beyond.
- (3) Between points in the United States and New Caledonia and/or Wallis and Futuna.
- (4) Between points in the United States via intermediate points to French Polynesia and beyond.
- (5) Between points in the United States via intermediate points to Saint-Pierre and Miquelon and beyond.

This authority is subject to the following terms, conditions, and limitations:

- (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 orders of the Department of Transportation issued under them. To the extent that the holder has authority to serve more than

¹ This certificate is issued to reflect new authority to serve the U.S.-France market.

² The January 22, 2002, U.S.-France agreement includes certain restrictions on intermediate and beyond services on other than Metropolitan France routes. (See Section 1A of the amended Annex I route schedule as set forth in Article I, paragraph 16 of the January 2002 agreement). The services authorized here are subject to those restrictions.

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's authority is effective only to the extent that such operations are also authorized by the Federal Aviation Administration (FAA), and comply with all U.S. Government requirements concerning security.

(5) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).

(6) 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.

(7) 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.

(8) 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.

(9) The holder may combine services authorized by this certificate with all services authorized by other Department of Transportation certificates or exemptions,

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provided, that such operations are consistent with the applicable bilateral aviation agreements; and provided further, that (a) nothing in the award of the route integration authority granted 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 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 carriers(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 not 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.

(10) The authority granted to serve intermediate and beyond points in conjunction with the France service authorized under this certificate is limited to countries with which the United States has signed open-skies agreements and/or countries for which the carrier holds authority to serve under certificates or exemptions issued by the Department, and for which its holds route integration authority.

This certificate shall become effective May 28, 2002.



Certificate of Public Convenience and Necessity

For Route 812

This Certifies That

UNITED AIR LINES, 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 2002-5-25
On March 28, 2002
Effective on May 28, 2002**

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

Terms, Conditions, and Limitations

United Air Lines, Inc., for **Route 812**

is authorized to engage in scheduled foreign air transportation of persons, property, and mail: ²

- (1) Between points in the United States via intermediate points to a point or points in Metropolitan France and beyond.
- (2) Between points in the United States via intermediate points to French Departments of America and beyond.
- (3) Between points in the United States and New Caledonia and/or Wallis and Futuna.
- (4) Between points in the United States via intermediate points to French Polynesia and beyond.
- (5) Between points in the United States via intermediate points to Saint-Pierre and Miquelon and beyond.

This authority is subject to the following terms, conditions, and limitations:

- (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 orders of the Department of Transportation issued under them. To the extent that the holder has authority to serve more than

¹ This certificate is issued to reflect new authority to serve the U.S.-France market.

² The January 22, 2002, U.S.-France agreement includes certain restrictions on intermediate and beyond services on other than Metropolitan France routes. (See Section 1A of the amended Annex I route schedule as set forth in Article I, paragraph 16 of the January 2002 agreement). The services authorized here are subject to those restrictions.

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's authority is effective only to the extent that such operations are also authorized by the Federal Aviation Administration (FAA), and comply with all U.S. Government requirements concerning security.
- (5) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).
- (6) 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.
- (7) 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.
- (8) 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.
- (9) 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 consistent with the applicable bilateral

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aviation agreements; and provided further, that (a) nothing in the award of the route integration authority granted 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 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 not 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.

(10) The authority granted to serve intermediate and beyond points in conjunction with the France service authorized under this certificate is limited to countries with which the United States has signed open-skies agreements and/or countries for which the carrier holds authority to serve under certificates or exemptions issued by the Department, and for which its holds route integration authority.

This certificate shall become effective May 28, 2002.



Certificate of Public Convenience and Necessity

For Route 813

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 2002-5-25
On March 28, 2002
Effective on May 28, 2002**

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

Terms, Conditions, and Limitations

US Airways, Inc., for **Route 813**

is authorized to engage in scheduled foreign air transportation of persons, property, and mail: ²

- (1) Between points in the United States via intermediate points to a point or points in Metropolitan France and beyond.
- (2) Between points in the United States via intermediate points to French Departments of America and beyond.
- (3) Between points in the United States and New Caledonia and/or Wallis and Futuna.
- (4) Between points in the United States via intermediate points to French Polynesia and beyond.
- (5) Between points in the United States via intermediate points to Saint-Pierre and Miquelon and beyond.

This authority is subject to the following terms, conditions, and limitations:

- (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 orders of the Department of Transportation issued under them. To the extent that the holder has authority to serve more than

¹ This certificate is issued to reflect new authority to serve the U.S.-France market.

² The January 22, 2002, U.S.-France agreement includes certain restrictions on intermediate and beyond services on other than Metropolitan France routes. (See Section 1A of the amended Annex I route schedule as set forth in Article I, paragraph 16 of the January 2002 agreement). The services authorized here are subject to those restrictions.

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's authority is effective only to the extent that such operations are also authorized by the Federal Aviation Administration (FAA), and comply with all U.S. Government requirements concerning security.
- (5) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).
- (6) 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.
- (7) 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.
- (8) 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.
- (9) 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 consistent with the applicable bilateral

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aviation agreements; and provided further, that (a) nothing in the award of the route integration authority granted 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 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 not 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.

(10) The authority granted to serve intermediate and beyond points in conjunction with the France service authorized under this certificate is limited to countries with which the United States has signed open-skies agreements and/or countries for which the carrier holds authority to serve under certificates or exemptions issued by the Department, and for which its holds route integration authority.

This certificate shall become effective May 28, 2002.