



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

Issued by the Department of Transportation on **September 6, 2001**

NOTICE OF ACTION TAKEN -- DOCKET OST-2001-10252 - 2

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 SUN COUNTRY AIRLINES, INC., filed July 26, 2001, for:

XX Exemption for two years under 49 U.S.C. 40109 to provide the following service:

Scheduled foreign air transportation of persons, property, and mail between (1) the terminal point Chicago, Illinois, and the terminal point Cancun, Mexico; (2) the terminal point Chicago, Illinois, and the terminal point Cozumel, Mexico; (3) the terminal point Chicago, Illinois, and the terminal point Puerto Vallarta, Mexico; (4) the terminal point Chicago, Illinois, and the terminal point Zihuatanejo/Ixtapa, Mexico; and (5) the terminal point Cleveland, Ohio, and the terminal point Cancun, Mexico. Sun Country states that it intends to use this authority to provide seasonal service in the Chicago-Cozumel and Chicago-Zihuatanejo/Ixtapa markets, and to provide year-round service in all of the remaining markets.

Applicant rep: Michelle M. Faust (202) 639-7500 DOT Analyst: Linda Lundell (202) 366-2336

DISPOSITION

XX **Granted, in part (see below)**

XX **Deferred request for Chicago-Cancun (see below)**

The exemption authority granted was effective when taken: September 6, 2001, through September 6, 2003, or until 90 days after final Department action on a corresponding certificate application, whichever occurs earlier.

Action taken by: **Paul L. Gretch**
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 certificates of public convenience and necessity**

XX **Standard Exemption Conditions (attached)**

(See next page)

Conditions: 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. . Consistent with our standard practice, the dormancy notice period will begin on Sun Country's proposed startup dates of December 22, 2001, for the Chicago-Cozumel/Zihuatanejo/Ixtapa markets; December 23, 2001, for the Chicago-Puerto Vallarta market; and January 1, 2002, for the Cleveland-Cancun market, or the date on which Sun Country institutes service in these respective markets, whichever occurs earlier.

Deferral: In its application, Sun Country stated that, while it was aware that American Trans Air and American Airlines already hold the two available designations for Chicago-Cancun service, American Airlines offered service in the market on a seasonal basis only. Sun Country stated that it was willing to provide year-round service in the Chicago-Cancun market and, thus, that it was in the public interest to authorize Sun Country rather than American for the service. We have deferred action on that part of Sun Country's application seeking authority to serve the Chicago-Cancun market, pending receipt of additional information from American Airlines regarding its Chicago-Cancun services (see letter to American Airlines dated September 6, 2001, in this docket).

On the basis of data officially noticeable under Rule 24(g) of the Department's regulations, we found the U.S. carrier 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 application 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 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 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

APPENDIX A

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 250 (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 Part 203, concerning waiver of Warsaw Convention liability limits and defenses;
- (6) Comply with the applicable requirements of the Federal Aviation Administration (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.