



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

Issued by the Department of Transportation  
on the 19<sup>th</sup> day of September, 2002

**Served: September 19, 2002**

Application of

**CARIBBEAN SUN AIRLINES, INC.  
(formerly Caribbean Star Airlines, Inc.)**

for certificates of public convenience and necessity under  
49 U.S.C. 41102 to engage in interstate and foreign  
scheduled air transportation of persons, property, and mail

**Dockets OST-01-11164  
OST-01-11198**

**FINAL ORDER**

By Order 2002-6-16, issued June 27, 2002, we directed all interested persons to show cause why we should not make final our tentative findings and conclusions stated in it and award certificates of public convenience and necessity to Caribbean Star Airlines, Inc. (CSA), authorizing it to engage in interstate and foreign scheduled air transportation of persons, property, and mail using small aircraft (*i.e.*, those having 60 seats or fewer).

Interested persons were given 14 calendar days to file objections to the order. One response was filed by Daystar Airways, Ltd.<sup>1</sup>

In Order 2002-6-16, we noted the similarity of the applicant's name to that of its sister company, Caribbean Star Airlines, Ltd. (CSA Ltd.), a foreign carrier operating in the same region as CSA's proposed operations, and the possibility that this could lead to public confusion.<sup>2</sup> To resolve this issue, the applicant agreed to change its name to one that would be acceptable to the Department. In the order, we stated that such a change would have to be made prior to our issuance of any final orders and the award of certificate authority.

On September 5, CSA notified us that it had changed its corporate name to "Caribbean Sun Airlines, Inc.," and that ticketing, offices, and other aspects of its operations would be distinct from those of CSA Ltd., and thus enable the public to discern that the two carriers were different companies. The applicant also confirmed that neither it nor CSA Ltd. would use the acronym "CSA" in their communications with the public. Further, CSA has agreed to publish

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<sup>1</sup> Daystar stated in its response that it did not oppose certification of CSA. Rather, Daystar's primary concern was with the failure of the government of Antigua and Barbados to grant it (Daystar) landing rights to that country.

<sup>2</sup> We were concerned that members of the traveling public might not be able to discern the difference between these two carriers and understand that certain consumer protection requirements and safety requirements that would apply to a U.S. carrier might not apply to CSA's foreign-flag sister carrier.

the following statement on all of its published advertising, brochures, tickets and other promotional materials used by both carriers:

Caribbean Sun Airlines, Inc. and Caribbean Star Airlines, Ltd. are affiliated but separate companies. The air service provided by each carrier is operated independently of the other and the rules applicable to your travel on each airline may be different.

We have concluded that the actions described above resolve the issue of similarity of names. Further, we are placing a condition imposing this notice requirement in the Terms, Conditions and Limitations attached to the carrier's certificates.

Since there are no other fitness issues that need to be resolved, we are finalizing the tentative findings and conclusions contained in Order 2002-6-16.

**ACCORDINGLY:**

1. We find that Caribbean Sun Airlines, Inc., is fit, willing, and able to engage in interstate and foreign scheduled air transportation of persons, property, and mail.
2. We issue a certificate of public convenience and necessity to Caribbean Sun Airlines, Inc., to engage in interstate scheduled air transportation in the form and subject to the Terms, Conditions, and Limitations attached.<sup>3</sup>
3. We direct Caribbean Sun Airlines, Inc., to submit to the Air Carrier Fitness Division a first year progress report within 45 days following the end of its first year of actual certificated flight operations.<sup>4</sup>
4. We will serve a copy of this order on the persons listed in Attachment A to this order.

By:

**READ C. VAN DE WATER**  
Assistant Secretary for Aviation  
and International Affairs

**(SEAL)**

An electronic version of this document is available on the World Wide Web at:

<http://dms.dot.gov>

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<sup>3</sup> By this order, we issue only an interstate scheduled certificate to Caribbean Sun. Issuance of a foreign scheduled certificate to the company is subject to Presidential review under 49 U.S.C. 41307 and will be handled in a separate order.

<sup>4</sup> The report should include a description of the carrier's current operations (number and type of aircraft, principal markets served, total number of full-time and part-time employees), a summary of how these operations have changed during the year, a discussion of any changes it anticipates from its current operations during its second year, current financial statements, and a listing of current senior management and key technical personnel. The carrier should also be prepared to meet with staff members of the Fitness Division to discuss its current and future operations.



*Certificate of Public Convenience and Necessity*  
*for*  
*Interstate Air Transportation*

*This Certifies That*

**CARIBBEAN SUN AIRLINES, INC.**

is authorized, subject to the provisions of Subtitle VII of Title 49 of United States Code, the orders, rules, and regulations issued thereunder, and the attached Terms, Conditions, and Limitations, to engage in interstate 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**  
**On**  
**Effective on (see attached)**

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

*Terms, Conditions, and Limitations*



**CARIBBEAN SUN AIRLINES, INC.**

*is authorized to engage in interstate air transportation of persons, property, and mail between any point in any State, territory, or possession of the United States or the District of Columbia, and any other point in any of those entities.*

*This authority is subject to the following provisions:*

*(1) The authority to operate under this certificate will not become effective until six (business) days after the Department has received the following documents; provided, however, that the Department may stay the effectiveness of this authority at any time prior to that date:*

*(a) A copy of the holder's Air Carrier Certificate and Operations Specifications authorizing such operations from the Federal Aviation Administration (FAA).*

*(b) A certificate of insurance on OST Form 6410 evidencing liability insurance coverage meeting the requirements of 14 CFR 205.5(b) for all of its aircraft.*

*(c) A statement of any changes the holder has undergone in its ownership, key personnel, operating plans, financial posture, or compliance history, since the date of the Show Cause Order in this case.*

*(d) A revised list of pre-operating expenses already paid and those remaining to be paid, as well as independent verification that the holder has available to it funds sufficient to cover any remaining pre-operating expenses and to provide a working capital reserve equal to the operating costs that would be incurred in three months of operations.*

*(2) Pending receipt of effective authority, the holder may not accept payment of any kind (i.e., cash, check, or credit card) or issue tickets for the operations proposed under this certificate, and any advertisement or listing of flights by the holder must prominently state: "This service is subject to receipt of government operating authority."*

(3) *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.*

(4) *The holder may not operate aircraft designed to have a maximum passenger capacity of more than sixty (60) seats or a maximum payload capacity of more than 18,000 pounds. In the event that the holder wishes to institute operations with aircraft having a larger capacity, it must first be determined fit for such operations.*

(5) *The holder's authority is effective only to the extent that such operations are also authorized by the FAA and comply with all Department of Transportation requirements concerning security.*

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

(7) *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 Title 49 of the United States Code or the Department's regulations shall be sufficient grounds to revoke this certificate.*

(8) *The holder is authorized to conduct charter flights in interstate and/or foreign air transportation in accordance with the provisions of 14 CFR 212.*

(9) *The holder shall include the following language on all tickets and ticketless travel confirmations, and all published advertising, brochures and other promotional materials:*

*Caribbean Sun Airlines, Inc. and Caribbean Star Airlines, Ltd. are affiliated but separate companies. The air service provided by each carrier is operated independently of the other and the rules applicable to your travel on each airline may be different.*

(10) *In the event that the holder receives effective scheduled passenger authority, the following additional conditions will apply:*

(a) *The holder may reduce or terminate service at any point or between any two points, subject to compliance with the provisions of 49 U.S.C. 41734 and all orders and regulations issued by the Department of Transportation under that section.*

(b) *The holder may not provide scheduled passenger air transportation to or from Dallas (Love Field), Texas, except within the limits set forth in section 29 of the International Air Transportation Competition Act of 1979, as amended by section 337 of the Department of Transportation and Related Agencies Appropriations Act, 1998.*

(11) *Should the holder propose any substantial changes in its ownership, management, or operations (as that term is defined in 14 CFR 204.2(l)), it must first comply with the requirements of 14 CFR 204.5.*

*(12) In the event that the holder does not commence actual flying operations under this certificate within one year of the date of the Department's determination of its fitness, its authority shall be revoked for dormancy, unless the holder is conducting operations under another type of certificate authority. Further, in the event that the holder commences operations for which it was found "fit, willing, and able" and subsequently ceases all such operations, its authority under all certificates held 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.*

**SERVICE LIST FOR CARIBBEAN SUN AIRLINES, INC.**

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