

Served: November 27, 2002



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

Issued by the Department of Transportation  
on the 5th day of September, 2002

Application of

**BNJ CHARTER COMPANY, L.L.C.**

**Docket OST-02-12145-8**

For a certificate of public convenience and necessity  
under 49 U.S.C. 41102 to engage in foreign charter air  
transportation of persons, property, and mail.

**ORDER ISSUING FOREIGN CERTIFICATE**

By Order 2002-9-3, issued September 5, 2002, we found **BNJ Charter Company, L.L.C. (BNJ)** fit, willing, and able to engage in interstate and foreign charter air transportation of persons, property, and mail. By that order, we issued a certificate of public convenience and necessity authorizing **BNJ** to engage in interstate charter air transportation.

By this order, we are issuing a companion certificate authorizing **BNJ** to engage in foreign charter air transportation. Instead of repeating our findings and conclusions in Order , we incorporate them here by reference.

**ACCORDINGLY,**

1. We issue a certificate of **public convenience** and **necessity** in the form attached to **BNJ Charter Company, L.L.C.**, to engage in foreign charter air transportation.
2. Unless disapproved by the President of the United States under section **41307** of the Statute, this order shall become effective on the 61<sup>st</sup> 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.'

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This order was submitted for section 41307 review on September 5, 2002. On November 26, 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.

3. We direct that, should **BNJ** Charter Company, L.L.C., want to expand its fleet to more than four aircraft, it must first provide the Department with 45-days' notice and demonstrate its fitness for, such expansion.
4. We direct **BNJ** Charter Company, L.L.C., to submit to ~~the~~ Air Carrier Fitness Division a first-year progress report within **45** days following the end of its first year of certificated operations.'
5. We will serve a copy of this order on the persons listed in Attachment **A**

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://dmsdot.gov>*

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<sup>2</sup> The report shall include a description of **BNJ'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 (including a balance sheet at the end **of** its first year of flight operations and a 12-month income statement ending that same date), and a listing of current **senior** management and key technical personnel.



Certificate of Public Convenience and Necessity  
for  
Foreign Charter Air Transportation

*This Certifies That*

**BNJ CHARTER COMPANY, L.L.C.**

*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 charter 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 2002-11-17*

*On September 5, 2002*

*Effective on (See Attached)*

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



*Terms, Conditions, and Limitations*  
**BNJ CHARTER COMPANY, L.L.C.**

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

*Between any place in the United States and any place outside thereof*

*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 operation.*

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

- (3) *The effectiveness of the authority contained in **thi**s certificate is conditioned upon the holder's continuing **existence** under the ownership of NetJets, Inc. and The Boeing Company.*
- (4) *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.*
- (5) *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 or for the purpose of requiring compliance with them.*
- (6) *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**.*
- (7) *The holder's authority is effective only to the extent that such operations are also authorized by the **FAA**, and comply with **all FAA** requirements concerning security.*
- (8) *The holder shall at all times remain a "Citizen of the United States" as required by **49 U.S.C. 40102(a)(15)**.*
- (9) *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.*
- (10) *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**.*

(11) In the event that the **holder** does not commence actual flying operation **under** the certificate within one year **&** the date of the Department's determination of its fitness, its authority shall be revoked for dormancy, unless the holder is conducting operation under another **type** of certificate authority. Further, in the event that the holder commences operation for which it was found "fit, willing, and able" and subsequently ceases **all** such operation, its authority under all certificates held shall be suspended under the terms of **14 CFR 204.7** and the holder may neither recommence **or** 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 BNJ CHARTER COMPANY, L.L.C..**

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