



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

Order 2002-12-9

Issued by the Department of Transportation
on the 10th day of December 2002

Served: December 13, 2002

Applications of

BNJ CHARTER COMPANY, L.L.C.

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

**Dockets OST-02-12145
and
OST-02-12147**

ORDER CONFIRMING ORAL ACTION AND ISSUING EFFECTIVE CERTIFICATES

By Order 2002-9-3, served September 5, 2002, the Department found BNJ Charter Company, L.L.C. (BNJ) fit to engage in interstate and foreign charter air transportation of persons, property, and mail. That order also issued to the company an interstate charter certificate. The authority to operate under this certificate was not to become effective until six (business) days after the Department had received (1) a copy of BNJ's Air Carrier Certificate and Operations Specifications issued by the Federal Aviation Administration (FAA) authorizing such operations, (2) a certificate of insurance evidencing liability insurance coverage meeting the requirements of Part 205 of our rules, and (3) updated fitness information, including evidence that the carrier continues to have funding sufficient to meet our financial fitness criteria.

On November 15, BNJ filed updated fitness information. At the same time, it requested that the Department waive the six-day waiting period and make its authority effective as soon as possible after receipt of the remaining documents required for issuance of effective authority. The material filed by BNJ showed that the company had undergone no significant changes in fitness areas.¹ On November 20, we received a copy of BNJ's FAA operating authority, and, on November 25, the required certificate of insurance.

Our review of the information provided by BNJ was satisfactory. Under the circumstances, we concluded that there was no reason not to grant the carrier the waiver it requested and make its authority effective prior to the expiration of the six-day waiting period. Thus, on November 25, we orally advised the carrier that we were making its interstate certificate authority effective on that date. On November 27, BNJ was granted a companion foreign charter certificate.² Since the effectiveness documents previously provided by the carrier covered both interstate and

¹ BNJ noted that its pre-operating expenses were higher than initially anticipated and included evidence that its parent had provided BNJ with funding to cover those additional costs.

² See Order 2002-11-17.

foreign operations, we orally advised BNJ that its foreign certificate authority would become effective on November 27. By this order, we confirm our oral actions of November 25 and 27 and take this opportunity to reissue the carrier's certificates to reflect their effective dates.

ACCORDINGLY, Acting under authority assigned by the Department in its Regulations, 14 CFR 385.12:

1. We confirm our oral action of November 25, 2002, making the interstate charter passenger certificate issued to BNJ Charter Company, L.L.C., by Order 2002-9-3, effective on that date and reissue the certificate in the attached form to reflect its effective date.
2. We confirm our oral action of November 27, 2002, making the foreign charter passenger certificate issued to BNJ Charter Company, L.L.C., by Order 2002-11-17, effective on that date and reissue the certificate in the attached form to reflect its effective date.
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 advance 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.³
5. We will serve a copy of this order on the persons listed in Attachment A.

By:

RANDALL D. BENNETT
Director
Office of Aviation Analysis

(SEAL)

*An electronic version of this document is available on the World Wide Web at
<http://dms.dot.gov>*

³ 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
Interstate Charter Air Transportation

This Certifies That

BNJ CHARTER COMPANY, L.L.C.
(AS REISSUED)

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 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 2002-12-9
On December 10, 2002
Effective on November 25, 2002*

*Randall D. Bennett
Director
Office of Aviation Analysis*



Terms, Conditions, and Limitations

BNJ CHARTER COMPANY, L.L.C.

is authorized to engage in interstate charter 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 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's authority is effective only to the extent that such operations are also authorized by the Federal Aviation Administration (FAA), and comply with all Department of Transportation requirements concerning security.*
- (3) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).*
- (4) 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.*
- (5) The effectiveness of the authority contained in this certificate is conditioned upon the holder's continuing existence under the ownership of NetJets, Inc., and The Boeing Company.*
- (6) The holder is not authorized to engage in air transportation operations between points within the State of Alaska.*
- (7) 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.*

**This certificate is being reissued to reflect its effective date.*

(8) *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.*



Certificate of Public Convenience and Necessity
for
Foreign Charter Air Transportation

This Certifies That

BNJ CHARTER COMPANY, L.L.C.
(AS REISSUED)

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 2002-12-9
On December 10, 2002
Effective on November 27, 2002*

*Randall D. Bennett
Director
Office of Aviation Analysis*



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 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 or for the purpose of requiring compliance with them.*
- (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 under this certificate is effective only to the extent that such operations are also authorized by the Federal Aviation Administration (FAA), and comply with all Department of Transportation 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 effectiveness of the authority contained in this certificate is conditioned upon the holder's continued existence under the ownership of NetJets, Inc., and The Boeing Company.*

**This certificate is being reissued to reflect its effective date.*

(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) *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.*

(9) *In the event that the holder commences but subsequently 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.*

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