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U.S. Department of
Transportation
Office of the Secretary
of Transportation

**DEPARTMENT ACTION ON APPLICATION
IN DOCKET OST-2002-13878, (filed on November 19, 2002)**

Approved, under assigned authority (14 CFR §385.13):

Date of Action: December 13, 2002

for Herald Caolo
Director, Office of International
Aviation

This action is subject to the conditions attached. Persons entitled to petition the Department for review of this action under the Department's regulations, 14 CFR §385.30, should file their petitions within seven days of the date of this action. This action is effective immediately, and the filing of a petition for review will not alter its effectiveness.

**Application of Atlantic Coast Airlines, Inc. (ACA) for an Statement of Authorization under 14 C.F.R. Part 212 to display the "NH" designator code of All Nippon Airways Co. on flights operated by ACA, operating as United Express, between Washington and all points served from Washington and between Chicago and all points served from Chicago for the carriage of All Nippon's traffic between the United States and Japan or on an intermediate/beyond routing
(Docket OST-2002-13878, filed November 19, 2002)**

The authority granted is subject to the following conditions:

(a) The statement of authorization will remain in effect only as long as (i) Atlantic Coast Airlines and All Nippon Airways continue to hold the necessary underlying authority to operate the code-share services at issue, and (ii) the code-share agreement providing for the code-share operations remains in effect.

(b) Atlantic Coast Airlines and/or All Nippon Airways must promptly notify the Department (Office of International Aviation) if the code-share agreement providing for the code-share operations is no longer effective or the carriers decide to cease operating any or all of the approved code-share services. Such notices should be filed in Docket OST-2002-13878.¹

(c) The code-sharing operations conducted under this authority must comply with 14 CFR Part 257 and with any amendments to the Department's regulations concerning code-share arrangements that may be adopted. Notwithstanding any provisions in the contract between the carriers, our approval here is expressly conditioned upon the requirements that the subject foreign air transportation be sold in the name of the carrier holding out such service in computer reservation systems and elsewhere; that the carrier selling such transportation (*i.e.* the carrier shown on the ticket) accept responsibility for the entirety of the code share journey for all obligations established in its contract of carriage with the passenger; and that the passenger liability of the operating carrier be unaffected.

(d) The authority granted here is specifically conditioned so that neither Atlantic Coast Airlines nor All Nippon Airways shall give any force or effect to any contractual provisions between themselves that are contrary to these conditions.

We may amend, modify, or revoke the authority granted at any time without hearing at our discretion.

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

¹ We expect this notification to be received within ten (10) days after such non-effectiveness or of such decision.