



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

OST-95-792-24

RENEWAL

8667
QA

NOTICE OF ACTION TAKEN

APRIL 18, 1996

This serves as interim notice to the public Of the action described below. taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Joint Application of American Airlines, Inc., Executive Airlines, Inc., Flagship Airlines, Inc., Simmons Airlines, Inc., Wings West Airlines, Inc. (d/b/a American Eagle) and Canadian Airlines International Ltd., Ontario Express Ltd., Time Air Inc., Inter-Canadien (1991) Inc. (d/b/a Canadian Regional), filed 3/18/96 in Docket OST-95-792
for:

XX *Statement of Authorization under 14 CFR Parts 207 and 212 to offer code-sharing services (U.S.-Canada).*

By Order 95-5-23 the Department granted the joint applicants' statements of authorization to provide code-share services in various named transborder markets as well as behind U.S. gateways to interior U.S. points (176 cities) on flights operated by American/American Eagle, and behind Canadian gateways to interior Canadian points (87 cities) on flights operated by Canadian International and its affiliates. Those authorizations are subject to our standard code-share conditions as well as specific conditions imposed on U.S.-Canada code-share operations. The joint applicants seek renewal of that authority. In addition, the joint applicants seek amendment of the statements of authorization in order to permit the "AA" designator code to be displayed on all transborder flights operated by Canadian et al. and the "CP" code to be displayed on all transborder flights operated by American et al. consistent with the U.S.-Canada Air Transport Agreement, without the need to seek further authorization on a route-by-route basis."

*Applicant rep: Carl B. Nelson (202) 496-5647; David B. Ortman (202) 488-7429
DOT Analyst: Linda Senese (202) 366-2367*

DISPOSITION

XX *Granted (subject to conditions, see below)*

XX *Authority granted is consistent with the 1995 U.S.-Canada Air Transport Agreement.*

The above action was effective when taken. April 17, 1996. thru April 17, 1997

(OVER)

*American and American Eagle did not seek renewal of the underlying exemption authority granted by Order 95-j-23 in order to conduct the proposed code-share services. By Order 95-6-26 American was issued a certificate for Route 658 and American Eagle was issued a certificate for Route 661, authorizing service between any point in the United States and any point in Canada, subject to the phase-in provisions for Vancouver, Toronto and Montreal services. As a result, the exemption authority is no longer necessary.

XX Under assigned authority (14 CFR 385) by:

Paul L. Gretch, Director

Office of International Aviation

(Petitions for review may be filed from now until

10 days after the confirming order letter issues.

Filing of a petition shall not stay the effectiveness of this action.)

*Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated: **XX** Holder's certificate of public convenience and necessity.*

XX Standard exemption conditions (attached).

Special Conditions Remarks:

Code-sharing operations are subject to the same conditions set forth in Order 95-5-23 ordering paragraphs 4 through 6. The authority granted above is subject to the frequency limitations specified in the 1995 U.S.-Canada Air Transport Agreement, and to the condition that, upon request, the parties will provide to the Director, Office of International Aviation, a full description of the services operated under the authorities granted to ensure compliance with the Agreement. In addition, we are modifying the requirement found in ordering paragraph 6 of Order 95-5-23 so that Canadian International's notification of the Canadian Government's allocations of connecting service frequencies under Annex V, Section 4 of the 1995 U.S.-Canada Air Transport Agreement should be filed in Docket OST 95-792 (rather than in the original grant docket, Docket 50209) and should be served on all parties. This change is necessary due to the new docketing system of the Department.

APPENDIX A

U.S. Carrier
Standard Exemption Conditions

In the conduct of the operations authorized by the attached order, 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 the requirements for minimum insurance coverage, and for certifying that coverage to the Department, contained in 14 CFR 205;
- (5) Comply with the requirements of 14 CFR 203, concerning waiver of Warsaw Convention liability limits and defenses;
- (6) Comply with the applicable requirements of the Federal Aviation Administration Regulations; 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 or confirmed by the attached order shall be effective only during the period when the holder is in compliance with the conditions imposed above.