



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

Issued by the Department of Transportation
on the 26th day of December, 2002

Applications of

CARIBBEAN SUN AIRLINES, INC.
(formerly Caribbean Star Airlines, Inc.)¹

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

Served: December 26, 2002

Dockets OST-01-11164
OST-01-11198

**ORDER CONFIRMING ORAL ACTION AND ISSUING EFFECTIVE
CERTIFICATES**

By Order 2002-9-18, served September 19, 2002, the Department found Caribbean Sun Airlines, Inc., (CSA) fit to engage in interstate and foreign scheduled air transportation of persons, property and mail. That order also issued to the company an interstate scheduled passenger certificate. Subsequently, by Order 2002-11-9, served November 22, 2002, we issued to CSA a companion foreign scheduled passenger certificate.

The authority to operate under these certificates was to become effective on the sixth (business) day after the Department had received (1) a copy of CSA'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 continued to have funding sufficient to meet our financial fitness criteria.

On December 18, 2002, CSA filed a copy of its FAA operating authority, together with a statement indicating that it had not undergone any significant change in areas affecting its fitness and noting that it had previously filed evidence of appropriate insurance.² At the same time, it requested that the Department waive the six-day waiting period and make its authority effective immediately. On December 20, 2002, CSA filed updated financial

¹ At the time of its initial application, the applicant's name was Caribbean Star Airlines, Inc. On September 5, the applicant notified the Department that it had changed its corporate name to "Caribbean Sun Airlines, Inc."

² See Supplement No. 3 to the application, filed September 4, 2002.

information demonstrating that it continued to have available resources sufficient to meet the Department's financial fitness requirement.

The information provided by CSA 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 December 23, we orally advised the carrier that we were making its certificate authority effective on that date. By this order, we confirm our oral action of December 23 and reissue the carrier's certificates to reflect their effective date.

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

1. We confirm our oral action of December 23, 2002, making the section 41102 interstate and foreign scheduled certificate authority issued to Caribbean Sun Airlines, Inc., effective on that same date.
2. We reissue to Caribbean Sun Airlines, Inc., the interstate and foreign scheduled passenger section 41102 certificates issued to it by Orders 2002-9-18 and 2002-11-9, respectively, in the attached form to reflect their effective date.
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 certificated operations.³
4. We will serve a copy of this order on the persons listed in Attachment A to this order.

Persons entitled to petition the Department for review of this order under the Department's Regulations, 14 CFR 385.30, may file their petitions within 10 days of the service date of this order.

³ 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 (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.

~~The action confirmed in this order was effective when taken and the filing of a petition for review shall not alter its effectiveness.~~

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>*



**Certificate of Public Convenience and Necessity
for
Interstate Air Transportation
(AS REISSUED)**

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 2002-12-18
On December 26, 2002
Effective on December 23, 2002*

*Randall D. Bennett
Director
Office of Aviation Analysis*



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 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 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.*
- (3) 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.*
- (4) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).*
- (5) 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.*
- (6) The holder is authorized to conduct charter flights in interstate and/or foreign air transportation in accordance with the provisions of 14 CFR 212.*

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

(7) ~~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.

(8) *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.*

(9) *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.*

(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 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.*



**Certificate of Public Convenience and Necessity
for
Foreign Air Transportation
(AS REISSUED)**

This Certifies That

CARIBBEAN SUN AIRLINES, INC.

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 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 2002-12-18
On December 26, 2002
Effective on December 23, 2002*

*Randall D. Bennett
Director
Office of Aviation Analysis*



Terms, Conditions, and Limitations

CARIBBEAN SUN AIRLINES, INC.

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

Between a point or points in the United States and Antigua and Barbuda; St. Maarten, Netherlands Antilles; Tortola, British Virgin Islands; and St. Kitts and Nevis.

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 order of the Department of Transportation issued under them. To the extent that the holder has authority to serve more than one country or points in more than one country on the same route segment, that authority does not confer upon the holder any additional rights (including fifth-freedom intermediate and/or beyond rights) in limited-entry markets unless the Department has completed any necessary carrier selection procedures to determine which carrier(s) should be authorized to exercise such rights and has notified the foreign country(ies) involved that any such selected carrier(s) has the required authority. In such cases, the fact that the carrier may hold authority to serve the countries (points) at issue on the same segment will not be considered as providing any preference to the holder in a carrier selection proceeding.

(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.

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

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

Attachment A

SERVICE LIST FOR CARIBBEAN SUN AIRLINES, INC.

MS YOLANDA M SUAREZ
PRESIDENT & CEO
CARIBBEAN SUN AIRLINES INC
610 SW 34th STREET
SUITE 303
FT LAUDERDALE, FL 33315

MR NATHANIEL P BREED JR
ZUCKERT SCOUTT &
RASENBERGER LLP
888 17th STREET NW
SUITE 700
WASHINGTON DC 20006-3309

MR ALLEN MUTEN
ASSISTANT TREASURER
AIRLINES REPORTING CORP
1530 WILSON BLVD STE 800
ARLINGTON VA 22209-2448

MR P MAURIICIO ALVARADO
GENERAL COUNSEL FOR CSA
610 SW 34th STREET
SUITE 303
FT LAUDERDALE, FL 33315

MS JONI MOUNT
PRODUCT MANAGER
TRANSPORT PRINT PRODUCTS
OFFICIAL AIRLINE GUIDE
2000 CLEARWATER DRIVE
OAK BROOK IL 60521

MR DON BRIGHT K-25
OFFICE OF AIRLINE INFO
DEPT OF TRANSPORTATION
400 7TH STREET SW
WASHINGTON DC 20590

MR BILL WEAVER
MANAGER FSDO-17
FEDERAL AVIATION ADMIN
1050 LEE WAGENER
SUITE 201
FT LAUDERDALE FL 33315

REGIONAL COUNSEL
FAA ASO-7
SOUTHERN REGION HDQ
1701 COLUMBIA AVE
COLLEGE PARK GA 30337

MR J D MEALOR
AIRLINE DATA COORDINATOR
INNOVATA LLC
3915 OLD MUNDY MILL RD
OAKWOOD GA 30566-3410

MR PETER LYNCH AGC-300
ASST CHIEF COUNSEL FOR
ENFORCEMENT
FEDERAL AVIATION ADMIN
800 INDEPENDENCE AVE SW
WASHINGTON DC 20591

MR JAMES ZAMMAR
DIR OF REVENUE
ACCOUNTING
ATA SUITE 1100
1301 PENN AVE NW
WASHINGTON DC 20004

MR HANK MYERS
PRESIDENT MTC
COUNSEL FOR DAYSTAR AIRWAYS
PO BOX 7341
BELLEVUE WA 98008-1341

MR RICHARD DUTTON AFS-900
ASST MANAGER CSET
FAA SUITE 203B
45005 AVIATION DRIVE
DULLES VA 20166-7537

AM ASSOC OF AIRPORT EXEC
601 MADISON ST SUITE 400
ALEXANDRIA VA 22314-1756