

Approved, in part (see remarks, below)
Balance dismissed, without prejudice (see remarks, below)

on **October 8, 2003**
under Assigned Authority


Director, Office of International
Aviation

Remarks: Consistent with our standard practice for granting extensions of the startup deadline for good cause shown, we have granted the carrier's request to extend the startup deadline for a full 90-days (through **January 6, 2004**). We have dismissed, without prejudice, the carrier's request for longer-term extension of the startup deadline through April 1, 2004.¹

**BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.**

Application of
SPIRIT AIRLINES, INC.
for an exemption pursuant to
49 U.S.C. § 40109
(Ft. Lauderdale-Cancun)

Docket OST-2003-15306

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OFFICE OF INTERNATIONAL AVIATION

**APPLICATION OF SPIRIT AIRLINES, INC.
FOR A WAIVER**

Communications with respect to this document should be sent to:

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Attorneys for
SPIRIT AIRLINES, INC.

¹ In support of its request to extend the startup date through April 1, 2004, Spirit states that all passenger carriers holding limited-entry passenger route authority received a blanket waiver from all route dormancy conditions through April 1, 2004 (See Order 2003-4-18). We note that this blanket waiver of dormancy is intended for carriers that have commenced services in a limited-entry market and subsequently suspended service, not for carriers that have not yet instituted services in a limited-entry market where a startup condition has been imposed.

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**APPLICATION OF SPIRIT AIRLINES, INC.
FOR A WAIVER**

On May 30, 2003, Spirit Airlines, Inc. ("Spirit") applied for an exemption from 49 U.S.C. § 41101 that would authorize Spirit to engage in scheduled foreign air transportation of persons, property and mail between Ft. Lauderdale, Florida and Cancun, Mexico. That application was granted by Notice of Action Taken dated July 23. The award was made subject to a condition that Spirit inaugurates its service within 90 days of receiving such authority.

In support of this Application, Spirit states as follows:

Spirit is hereby requesting a waiver of that start-up condition. Spirit is in the midst of securing all needed regulatory approvals (i.e., Mexican licenses, etc.) for such service, and indeed anticipates introducing such service during the upcoming winter traffic season. The 90th day after approval falls on October 23. Spirit anticipates being able to start this service on or around the beginning of the winter holiday season.

Because no other carrier serves the Ft. Lauderdale-Cancun market, or has expressed an interest in doing so, Spirit submits that no party will be prejudiced by approval of this Application. Indeed, the Department has granted to all carriers holding limited-entry passenger route authority a blanket waiver from all route dormancy conditions through April 1, 2004. See;

Order 2003-4-18. Therefore, granting Spirit the relief it requests – a waiver that is coextensive with that granted to other carriers – would be consistent with DOT precedent, and with the public interest. The Department previously has granted many similar requests.

WHEREFORE, Spirit respectfully requests that the 90-day start-up condition set forth in the Notice of Action Taken dated July 23, 2003 be waived until April 1, 2004, and that the Department grant any such additional relief as it deems appropriate.

Respectfully submitted,

/s/ Anita M. Mosner

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Attorneys for
SPIRIT AIRLINES, INC.

Dated: September 22, 2003

CERTIFICATE OF SERVICE

I hereby certify that I have, this 22 day of September, 2003 served the foregoing Application of Spirit Airlines, Inc. for a Waiver by electronic mail upon the persons whose email addresses appear below, and by first-class mail upon:

William F. Sherry, A.A.E.
Director of Aviation
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/s/ Georgia E. Holliday

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