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

Issued by the Department of Transportation on October 23, 2003

**NOTICE OF ACTION TAKEN -- DOCKET OST 2003-16163 - 10**

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Applicant: POLYNESIAN LIMITED

Date Filed: Motion to extend authority, filed October 15, 2003. (Application was filed September 11, 2003.)

Relief requested: Extend exemption from 49 U.S.C. section 40109(g), granted September 23, 2003, in this Docket, to permit the applicant to continue to conduct scheduled, combination services between Pago Pago, American Samoa, and Ofu, American Samoa, and between Pago Pago and Ta'u, American Samoa, beyond October 23, 2003, through November 8, 2003, using 19-seat Twin Otter aircraft. In its motion for extension of its exemption, Polynesian asserted that the need for its American Samoa inter-island services remains, and that it is prepared to continue (under its arrangement with the Government of American Samoa) to provide several flights per week in the affected markets.

Applicant representative: Charles F. Donley II, 202-626-6840 DOT analyst: Allen F. Brown, 202-366-2405

Responsive pleadings: Polynesian Limited served its motion to extend its authority on the parties to this case, including the U.S. carriers Samoa Aviation and Hawaiian Airlines, and no comments or objections to that motion were filed.

Statutory Standards: Under 49 U.S.C. section 40109(g), we may authorize a foreign air carrier to carry commercial traffic between U.S. points (*i.e.*, cabotage traffic) under limited circumstances. Specifically, we must find that the authority is required in the public interest; that because of an emergency created by unusual circumstances not arising in the normal course of business the traffic cannot be accommodated by U.S. carriers holding certificates under 49 U.S.C. section 41102; that all possible efforts have been made to place the traffic on U.S. carriers; and that the transportation is necessary to avoid unreasonable hardship to the traffic involved (an additional required finding, concerning emergency transportation during labor disputes, was not relevant here).

**DISPOSITION**

Action: We are granting Polynesian Limited's request for extension of its exemption authority to continue to operate its intra-American Samoa services, using its 19-seat Twin Otter aircraft, through November 8, 2003.

In acting favorably on this unopposed request for extension of emergency cabotage authority, we find that Polynesian Limited's request continues to meet all the relevant criteria of 49 U.S.C. section 40109(g) for the continued grant of an exemption of this type and that such favorable action is required in the public interest. In making our initial grant in this case, we noted that the severe cutbacks in service in the inter-island American Samoa markets by Samoa

1/ On October 20, 2003, Polynesian filed a motion to shorten the answer period to noon Eastern Daylight Time on October 22, 2003, for the filing of answers to its motion to extend the authority. Polynesian served this motion on the parties to this case and there were no comments or objections to its request. On October 20, 2003, we granted Polynesian's motion.

Aviation, the only U.S. carrier that had been serving the subject markets, clearly constituted an emergency created by unusual circumstances not arising in the normal course of business; that no U.S. appeared able to provide the level of service necessary to meet the needs of American Samoa, and that the authority was necessary to prevent undue hardship to the residents of American Samoa. We find that those determinations remain valid and warrant extension of this authority through November 8, 2003.

Finally, we find that the applicant is qualified to perform its proposed operation.

Except to the extent exempted/waived, this authority is subject to our standard exemption conditions.

**Action taken by: Michael W. Reynolds**  
Acting Assistant Secretary for  
Aviation and International Affairs

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