

Order 2003-10-26  
Served: October 28, 2003



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

Issued by the Department of Transportation  
on the 23<sup>rd</sup> day of October, 2003

In the matter of the revocation of the certificate authority  
issued to

**TPI INTERNATIONAL AIRWAYS, INC.**

**Dockets 42324 and 42325**

pursuant to the provisions of section 204.7 of the Department's  
Aviation Regulations

**ORDER REVOKING CERTIFICATE AUTHORITY**

TPI International Airways, Inc. (TPI) holds certificates authorizing it to engage in domestic all-cargo and foreign charter all-cargo operations.<sup>1</sup> The company conducted operations under its certificate authority until August 30, 1990, when it ceased all operations.<sup>2</sup>

Section 204.7 of the Department's Aviation Economic Regulations (14 CFR 204.7) provides that, if a carrier ceases conducting the operations for which it was found fit, its authority to conduct such operations is automatically suspended. As a result of its cessation of operations, in accordance with section 204.7 of our rules, TPI's authority was automatically suspended. The company was notified of this suspension by telegraphic message on September 4, 1990. In that message, the Department also informed TPI that, pursuant to section 204.7 of our rules, it could not resume nor advertise its services until it had re-established its fitness. Further, the Department advised TPI that section 204.7 also provides that the authority granted to an air carrier is subject to termination if the carrier has not operated for a one year period under any authority for which it was found fit. In the case of TPI, this revocation-for-dormancy date would have been August 30, 1991.

In early 1991, TPI personnel informed the Department that it intended to resume operations. We again advised TPI that it would have to re-establish its fitness before recommencing any operations. Although TPI provided us with some information required for a fitness re-determination, we never received all of the information required to re-establish TPI's fitness. As a result, we were unable to authorize TPI to resume operations.

<sup>1</sup> See Orders 85-10-25 issuing domestic all-cargo authority (Docket 42325) and 85-11-34 issuing foreign charter all-cargo authority (Docket 42324).

<sup>2</sup> The Federal Aviation Administration advised the Department that TPI surrendered its operations specifications on or about August 30, 1990.

TPI subsequently filed several lawsuits against various government agencies, including the Department and the Federal Aviation Administration. In light of TPI's pending lawsuits, the Department withheld action on revoking TPI's certificate authority. We have recently been advised that all relevant litigation has now concluded with no judgments in TPI's favor. As a result, we find it appropriate to revoke TPI's certificate authority at this time in accordance with section 204.7. In consideration of the forgoing, we will revoke TPI's domestic all-cargo and foreign charter certificates for reason of dormancy.

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

1. We revoke the domestic all-cargo certificate issued to TPI International Airways, Inc., by Order 85-10-25 (Docket 42325) for reason of dormancy.<sup>3</sup>
2. We will serve a copy of this order on the persons listed in Attachment A.

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

This order shall become effective and become the final action of the Department of Transportation upon expiration of the above period unless within such period a petition for review is filed or the Department gives notice that it will review this order on its own motion.

By:

**RANDALL D. BENNETT**  
Director  
Office of Aviation Analysis

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

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<sup>3</sup> By this Order, we revoke only TPI's domestic all-cargo certificate. Revocation of TPI's foreign charter certificate is subject to Presidential review under 49 U.S.C. 41307 and will be handled in a separate order.

**SERVICE LIST FOR TPI INTERNATIONAL AIRWAYS, INC.**

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