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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 the 18th day of December, 2003*

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Application of	:	
	:	
<b>KRIS KRINGLE a/k/a SANTA CLAUS</b>	:	<b>Docket OST-2003</b>
	:	
for special operating authority to serve various	:	
rooftop markets	:	
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**ORDER**

By application dated December 18, 2003, Kris Kringle a/k/a Santa Claus (applicant) requests authorization pursuant to the Transportation Code (49 USC § 41101) to engage in air travel to various points throughout the United States on the night of December 24-25, 2003.

The applicant generally asserts that he performs a vital and specialized transportation service. In support of the application, the applicant requests that the Department consider the following:

1. The applicant is a citizen of the World, residing at the North Pole. As such the applicant may be considered a foreign aircraft operator. However, the applicant points out that his work, which is peaceful in nature, should be foreign to no one.
2. The applicant anticipates using a miniature sleigh to be powered by eight tiny reindeer, with the exception of a possible ninth reindeer with a special air navigation warning light in its nose, in the event of fog or heavy snow.
3. The equipment to be operated has not been officially certified by the FAA or any foreign government. On the other hand, it has operated for centuries without any accident and obviously must be air worthy.
4. The applicant will operate on one night only, December 24-25, 2003.
5. The points to be served are the dwelling places of good girls and boys, as well as adults of goodwill, throughout the United States. Concurrently, similar operations are

to be conducted worldwide on the same date. The applicant notes that his operating proposal will meet the essential air service requirements of countless small communities, and will also serve the major transportation hubs in all regions.

6. The applicant wishes to engage in "air transportation." That is, the applicant intends to deliver cargo of all sizes and shapes to be carried in a sack-like container. The applicant does not intend to take on persons or property at any point in the United States - just deliver.

7. No one has contested the applicant's fitness to perform this service. In fact, one Clement Moore asked to be made a party to this investigation particularly for the purpose of attesting to the applicant's fitness. Moore, a noted scholar of Kris Kringle, says the applicant is "a right jolly old elf." Moreover, applicant's obvious robust health, skill, and popularity lead unquestionably to the conclusion that he is uniquely suited (red, with fur collar and black boots) to perform this service.

8. Although the applicant admits that there will be some noise exposure associated with landings and takeoffs -- primarily a clattering of hooves -- that exposure will be limited almost exclusively to rooftops. The applicant is not aware of any complaint having been filed in response to this noise, and he maintains, therefore, that the proposed operations will not have any significant adverse environmental impact. Indeed, applicant anticipates operations will significantly enhance the quality of the global environment.

9. Santa says that he is punctual. He claims to have a 100 percent on-time arrival record, having never failed to deliver all of his toys by Christmas morning.

10. Santa also discloses that he has had some help with the arduous task of delivering packages, everywhere, to everyone, at one time. He describes that in recent years, at least in the better part of the last century, he has been greatly assisted by the results of the wonderful invention by the two brothers from Ohio, Wilbur and Orville Wright, who about a hundred years ago put together a flying machine, now refined and operating with capabilities almost as good as Rudolf. He thanks the boys from Dayton.

11. Finally, the applicant, aware of our heightened security concerns, states that while he has not personally packed all his bags and has not had all of them in his sight from the beginning, he can vouch for his trusted elves who lovingly prepared the contents, carefully handled the packing, and have done so for centuries without incident. Santa also says that he does not have a sky marshal aboard but will ask his lead reindeer, Rudolph, to stay especially alert.

We have decided to grant the applicant's request. While there is a question as to whether the proposed activities do in fact require our authorization, in that the aircraft used and the commodities carried are extremely specialized and the duration of the operation extremely short, it nevertheless appears that the scope of the applicant's operations are so

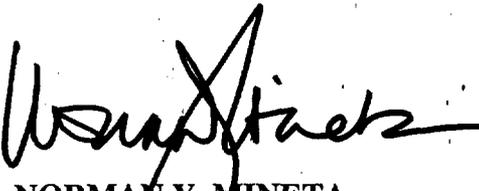
broad and the variety of commodities carried so great, that such operations constitute common carriage and authorization is prudent and warmly offered.

No one has opposed the application, in fact the applicant has revealed several million letters of support from children everywhere who desire that the requested authorization be granted. In these circumstances, it appears that a grant of the applicant's request is in the highest public interest.

**ACCORDINGLY,**

1. We find Santa Claus exceptionally fit, as well as, joyfully willing and uniquely able to engage in the interstate air transportation for which he has requested a certificate;
2. We issue to Santa Claus a certificate of public conviviality and noel-issity (pc&n) in any form he wishes; and
3. This order shall become effective immediately and shall expire on December 26, 2003, or at such time as the applicant has navigated over the United States on Christmas, 2003, and delivered good cheer to all of its citizens.

By:



NORMAN Y. MINETA  
Secretary

(SEAL)