



UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
WASHINGTON, DC

Issued by the Department of Transportation on March 12, 2004

**NOTICE OF ACTION TAKEN -- DOCKET OST-2002-14049**

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).

Application of **Polar Air Cargo, Inc.** filed **2/24/2004** for:

**XX** Adjustment to its Hong-Kong fifth-freedom frequency allocation and U.S. selection of points as follows:

Order 2003-9-9 allocated Polar Air Cargo, Inc. three frequencies for services in the Delhi/Penang-Hong Kong fifth-freedom market. Polar began those services, but suspended operations due to too few frequencies for connections and due to issues with the Hong Kong Civil Aviation Department regarding the scope of Polar's operating flexibility. Polar seeks permission to use these frequencies for Jakarta-Hong Kong service instead of Delhi/Penang service. Polar states that this request would not change the number of Hong Kong fifth-freedom frequencies allocated to Polar and notes that no other carrier requested Jakarta service in the proceeding allocating the frequencies. Polar believes that its request for an adjustment could be granted without prejudice to any other carrier.

No answers were filed to the application.

Applicant rep: **Jeffrey A. Manley (202) 663-6670** DOT Analyst: **Linda Senese (202) 366-2367**

**DISPOSITION**

**XX** **Granted** (subject to conditions, see below)

The above action was effective when taken: **March 12, 2004.**

**Action taken by: PAUL L. GRETCH**  
**Director, Office of International Aviation**

**XX** **The authority granted is consistent with the October 19, 2002, Memorandum of Understanding between the Government of the United States and the Government of the Hong Kong Special Administrative Region of the People's Republic of China, and with the air transport agreement between the Government of the United States and the Government of the Republic of Indonesia.**

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated: **XX** **Holder's Certificates of Public Convenience and Necessity**

**XX** **Conditions stated ordering paragraphs 2 and 3 in Order 2003-9-9**

(See Reverse Side)

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On the basis of data officially noticeable under Rule 24(g) of the Department's regulations, we found the applicant qualified to provide the services authorized.

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) our action was consistent with Department policy; (2) grant of the exemption was consistent with the public interest, and (3) grant of the authority would not constitute a major regulatory action under the Energy Policy and Conservation Act of 1975. To the extent not granted or dismissed, we denied all requests in the referenced Docket. We may amend, modify, or revoke the authority granted in this Notice at any time without hearing at our discretion.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within seven (7) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

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[http://dms.dot.gov/reports/reports\\_aviation.asp](http://dms.dot.gov/reports/reports_aviation.asp)*