



U.S. Department of  
Transportation  
Office of the Secretary  
of Transportation

**DEPARTMENT ACTION ON APPLICATION IN DOCKET OST-2004-17955  
(filed May 21, 2004)**

Application of SkyWest Airlines, operating as United Express, for a statement of authorization to display the designator code of Air Canada between U.S. points and between U.S. points and Canada in connection with Air Canada's international air service

Approved under assigned authority (14 CFR §385.13).

Date of Action: June 16, 2004

*for* Derald Coole  
Director, Office of International  
Aviation

This action is subject to the conditions attached. Persons entitled to petition the Department for review of this action under the Department's regulations, 14 CFR §385.30, should file their petitions within seven days of the date of this action. This action is effective immediately, and the filing of a petition for review will not alter its effectiveness.

**Application of SkyWest Airlines, operating as United Express, for a statement of authorization  
to display the designator code of Air Canada between U.S. points and between U.S. points  
and Canada in connection with Air Canada's international air service  
(Docket OST-2004-17955, filed May 21, 2004)**

The authority granted is subject to the following conditions:

- (a) The statement of authorization will remain in effect only as long as (i) SkyWest Airlines and Air Canada continue to hold the necessary underlying authority to operate the code-share services at issue, and (ii) the code-share agreement providing for the code-share operations remains in effect.
- (b) SkyWest Airlines and/or Air Canada must promptly notify the Department (Office of International Aviation) if the code-share agreement providing for the code-share operations is no longer effective or the carriers decide to cease operating all or a portion of the approved code-share services. <sup>1</sup> (Such notice should be filed in Docket OST-2004-17955)
- (c) SkyWest Airlines and/or Air Canada must notify the Department no later than 30 days before they begin any new-code service under the code-share services authorized here. Such notice shall identify the market(s) to be served, which carrier will be operating the aircraft in the code-share market added, and the date on which the service will begin. (Such notices should be filed in Docket OST-2004-17955)
- (d) The code-sharing operations conducted under this authority must comply with 14 CFR Part 257 and with any amendments to the Department's regulations concerning code-share arrangements that may be adopted. Notwithstanding any provisions in the contract between the carriers, our approval here is expressly conditioned upon the requirements that the subject foreign air transportation be sold in the name of the carrier holding out such service in computer reservation systems and elsewhere; that the carrier selling such transportation (*i.e.* the carrier shown on the ticket) accept responsibility for the entirety of the code share journey for all obligations established in its contract of carriage with the passenger; and that the passenger liability of the operating carrier be unaffected.
- (e) The authority granted here does not confer any antitrust immunity. We note that the applicant did not request such authority.
- (f) The authority granted here does not authorize the applicant to hold out air transportation between U. S. points or between Canada and third countries.
- (g) The authority granted here is specifically conditioned so that neither SkyWest Airlines nor Air Canada shall give any force or effect to any contractual provisions between themselves that are contrary to these conditions.

We may amend, modify, or revoke the authority granted at any time without hearing at our discretion.

*An electronic version of this document is available on the World Wide Web at  
[http://dms.dot.gov/reports/reports\\_aviation.asp](http://dms.dot.gov/reports/reports_aviation.asp)*

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<sup>1</sup> We expect the notification to be received within 10 days of such non-effectiveness or of such decision.