



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

Issued by the Department of Transportation on September 3, 2004

NOTICE OF ACTION TAKEN -- DOCKETS OST-2004-18614

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).

Joint application of America West Airlines, Inc. and Royal Jordanian Airlines filed 7/12/04 for:

XX Statement of authorization for America West under 14 CFR Part 212 to:

Permit America West to transport persons, property and mail on its domestic flights in the United States under Royal Jordanian's designator code (RJ) in conjunction with Royal Jordanian's flights between the United States, via intermediate points, and Jordan, and beyond.¹

XX Statement of authorization for Royal Jordanian under 14 CFR Part 212 to:

Permit Royal Jordanian to transport persons, property and mail under America West's designator code (HP) between Amman, Jordan, and points in the United States.²

Applicant rep: Joanne W. Young, (202) 861-1532 DOT Analyst: Gerald Caolo (202) 366-2406
(America West)
Michael Boulos
(Royal Jordanian)

DISPOSITION

XX **Granted statement of authorization for America West** (subject to conditions, see below)

XX **Deferred on the statement of authorization for Royal Jordanian**

The statement of authorization granted to America West was effective when taken: September 3, 2004, and will remain in effect indefinitely, subject to the conditions listed below.

Action taken by: Paul L. Gretch, Director
Office of International Aviation

XX **The authority granted is consistent with the aviation agreement between the United States and Jordan.**

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated: **XX** **America West's certificates of public convenience and necessity**

¹ Initially America West will display the Royal Jordanian code on its flights between Phoenix and Las Vegas, on the one, hand, and Detroit, New York, and Chicago, on the other, and between Los Angeles and San Francisco, on the one hand and New York, on the other.

² By a filing on September 2, 2004, the joint applicants, noting a delay in the completion of America West's safety audit of Royal Jordanian, ask the Department to immediately grant the joint application to the extent of issuing America West its requested statement of authorization.

Conditions:

The statement of authorization granted is subject to the following conditions:

- (a) The statement of authorization will remain in effect only as long as (i) America West and Royal Jordanian 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) America West and/or Royal Jordanian 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 if the carriers decide to cease operating all or a portion of the approved code-share services. Such notices should be filed in Docket OST-2004-18614.³
- (c) America West and/or Royal Jordanian must notify the Department no later than 30 days before they begin any new code-share 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-2004-18614.
- (d) The code-sharing conducted under this authority must comply with 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 the computer reservation systems and elsewhere; and 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 is specifically conditioned so that neither America West nor Royal Jordanian shall give any force or effect to any contractual provisions between themselves that are contrary to these conditions.
- (f) We may amend, modify, or revoke the authority granted at any time without hearing at our discretion.

Remarks:

The applicants have requested a term of five years for the effectiveness of the statements of authorizations. However, our general policy in a case such as this has been to grant such authority for an indefinite period subject to the conditions above. Therefore, we have sua sponte decided to grant the statement of authorization for an indefinite period.

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 authority 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 deferred we denied all requests in the referenced Docket.

³ We expect this notification to be received within 10 days of such non-effectiveness or of such decision.

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.

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