BEFORE THE
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, D.C.

Petition of DUTCH CARIBBEAN AIRLINE N.V. For exemption from 14 C.F.R. § 129.28(c)	)))))))	Docket No. FAA-2003- **EXPEDITED REVIEW BY APRIL 9, 2003 REQUESTED**

PETITION OF DUTCH CARIBBEAN AIRLINE N.V. FOR EXEMPTION FROM 14 C.F.R. § 129.28(c)

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DATED: March 27, 2003

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PETITION OF DUTCH CARIBBEAN AIRLINE N.V.
FOR EXEMPTION FROM 14 C.F.R. § 129.28(c)

Dutch Caribbean Airline N.V., a Netherlands Antilles-flag carrier, ("DCA") hereby seeks leave to file this petition out of time and requests an exemption from 14 C.F.R. § 129.28(c) to the extent necessary to defer for no more than 60 days the date by which it must install reinforced flight deck doors on three of its non-U.S. registered aircraft.[1] Despite its best efforts, DCA has recently learned that it will be unable to meet the current April 9 date for compliance with this rule for these aircraft. As a result, unless DCA is granted a limited exemption from the rule, it will be forced to reduce substantially its service to the United States during the 60-day period required to complete the installation of a reinforced flight deck door on the three aircraft at issue.

Such a forced reduction in DCA's service to the United States will have a serious adverse impact on the traveling public and on the tourism-based economy of the Netherlands Antilles. DCA operates over two-thirds of the direct on-line service between the islands of Curacao and

[1] Because expedited action is central to the relief requested herein, DCA further requests a waiver of the application summary and publication procedures set forth in 14 C.F.R. §§11.81(f) and 11.85 as provided for in 14 C.F.R. §11.87.

Bonaire in the Netherlands Antilles and the United States. These services provide critical air links connecting these Caribbean islands to the global economy. DCA's services are the principal means by which many U.S.-originating tourists reach the islands, and provide Antilleans their primary means to travel to the United States. The forced reduction of DCA's service will have a serious adverse impact on the traveling public and on the economy of the islands. To avoid such adverse consequences, DCA asks the Administrator to grant expedited review of this petition and the limited relief from §129.28(c) of the Federal Aviation Regulations ("FAR") requested herein.

In further support of this petition, DCA states the following:

1. DCA is a small, foreign airline based on the island of Curacao in the Netherlands Antilles. It operates daily, direct flights from Curacao to the surrounding islands and is the only carrier in the region with nonstop flights to North America. Its current jet aircraft fleet consists solely of three MD-80 and three DC-9 series aircraft. Of these aircraft, only the MD-80s have the range to operate nonstop over the approximately 1200 mile stage length between Miami and Curacao without a substantial payload penalty. DCA also operates daily one-stop service to Miami from Curacao via Port-au-Prince, Haiti, a service that provides a critical air link to that impoverished island, both to the United States and to Curacao.

2. Because of its small size and limited financial resources, complying with FAR 129.28(c) has posed a special burden for DCA, a burden that has been compounded by the fact that the company needed to have manufactured to its specifications compliant doors for several different aircraft types even though its fleet consists of just six aircraft. The technical burden of compliance was further compounded by the fact that two of DCA's MD-80 aircraft are equipped with front galleys manufactured by Nordskog-B/E Aerospace, a galley type that is not widely

used on MD-80 series aircraft. As a result, the reinforced doors DCA was required to obtain for these two aircraft had to be custom designed, imposing additional time pressures on DCA's ability to meet the April 9 compliance time frame.

Even though DCA has worked diligently to ensure full compliance with the FAA's flight deck door rule, it has recently learned that the reinforced doors needed for two of its MD-80s -- SE-F and SE-G -- will not be delivered for installation until after April 9 due to unanticipated delays in contracting for the manufacture of the doors. In addition, due to a separate unanticipated delay, the delivery of the reinforced door for one of its DC-9 series aircraft will also be delayed beyond April 9. Despite these unanticipated setbacks, DCA is working diligently with the vendors to complete the manufacturing and installation of the doors as expeditiously as possible and anticipates that all three aircraft will be fitted with a reinforced flight deck door by June 9, 2003.[2]

3. Without limited relief from §129.28(c), DCA will be forced to reduce significantly its services to and from the United States. As of April 9, only two of DCA's three DC-9s and none of its MD-80s will have been modified to comply with §129.28(c). As a result, without relief, DCA will be forced to suspend all of its nonstop Curacao-Miami service and to reduce its Curacao-Port-au-Prince-Miami service due to having only two DC-9 aircraft available to serve Miami. The elimination of its nonstop Miami service and the reduction of its one-stop

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[2] The other MD-80 DCA operates will be undergoing a C-check during the period covered by this application; the reinforced door is to be installed during the check. As a result, DCA is not seeking an exemption as to that aircraft. DCA anticipates that the other two DC-9s it operates will have reinforced doors installed by April 9.

Port-au-Prince service will have a devastating impact on the economy of the islands of Curacao, Bonaire and Port-au-Prince.

Tourism is the leading industry in the Netherlands Antilles, directly and indirectly providing employment for most of the islands' residents. And the United States is the origin point for the vast majority of tourists who vacation on the islands. DCA, the designated national carrier of the Netherlands Antilles, provides a crucial link between the islands and the U.S., operating over two-thirds of the nonstop service between the U.S. and Curacao, and the only on-line service to Bonaire, the two principal island territories that comprise the Netherlands Antilles. These flights provide essential air links to Curacao and Bonaire for vacation travelers originating throughout the United States.

Each day, approximately 100 passengers travel on DCA's flights from the U.S. directly to Curacao and Bonaire, which passengers constitute a core part of the weekly U.S. residents vacationing in Curacao and Bonaire. Moreover, as of March 25, 2003, over 8,271 passengers are holding advance reservations on DCA for travel to Curacao and Bonaire between April 9 and the end of the month. These passengers represent a significant percentage of the American tourists that are expected to vacation on the two islands during the second half of April.

The island of Haiti is also heavily dependent on the air service operated daily by DCA linking the capital, Port-au-Prince, with Miami and Curacao. Curacao is an important destination for Haitian street merchants, who travel there regularly to shop in the island's free trade zone to obtain goods for resale in Haiti. An average of approximately 160 passengers travel daily on DCA's flights from Miami to Port-au-Prince. As of March 25, over 4,150 passengers are holding advance reservations for travel between Miami and Port-au-Prince for the

period from April 9, 2003, through the end of the month. All of these passengers will have their travel plans disrupted if DCA must reduce its U.S. service as of April 9.

4. If DCA were forced to reduce its service to the U.S. effective April 9, the inconvenience and burden on those passengers already holding reservations on DCA would be substantial. If DCA is forced to suspend its nonstop U.S. service, there will be very few service alternatives available on other carriers for those passengers holding advance reservations on DCA. Although DCA may be able to accommodate some of these passengers on its one-stop service via Port-au-Prince, that service already operates at relatively high load factors, limiting DCA's ability to re-accommodate passengers from its nonstop services. As a result, many of the passengers holding reservations on the nonstops will have no choice but to defer or cancel their travel plans entirely. And those passengers who are able to find alternative lift upon short notice are likely to end up paying significantly higher prices than originally intended, as they will be making new reservations relatively close to their departure dates, a booking window where carriers tend to charge higher fares.

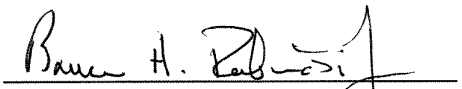
The reduction of DCA's service from the U.S. would also have a devastating impact on the tourism-based economy of the Netherlands Antilles. With DCA's service suspended, a significant portion of the tourists expected to visit the islands during the month of April may be forced to cancel their trips, leaving hotel rooms vacant and reducing the islands' export of services to the United States. Moreover, the suspension of DCA's service could lead prospective passengers who would have booked flights during the period after April 9, to make alternative travel arrangements, leading to a potentially prolonged drop in visitors from the United States and further exacerbating the impact of the suspension on the local economy.

5. With the exception of the flight deck door rule, DCA is in compliance with all other applicable aircraft safety and security standards. The flight deck doors on its aircraft all have lock bars in place to prevent passengers from gaining unauthorized access to the flight deck. Also, as of April 9, DCA will impose a rule requiring passengers to remain in their seats with seatbelts fastened throughout the last thirty minutes of its flights to the United States. It will also permit passengers to use only the rear lavatories on U.S. flights to reduce the possibility of passengers moving to the front of the aircraft under the guise of using the lavatory. All passengers will also be required to submit to enhanced security screening prior to boarding in accordance with FAA security screening guidelines.

6. Under all of the circumstances, DCA respectfully suggests that when the economic impact on the traveling public and the economies of Curacao, Bonaire and Port-au-Prince are weighed against a short deferral of the timeframe for DCA to complete the installation of reinforced cockpit doors on two of its MD-80 and one of its DC-9 aircraft, the public interest balance strongly favors the grant of this exemption.

7. WHEREFORE, for the reasons set forth above, DCA respectfully requests an exemption from 14 C.F.R. § 129.28(c) to the extent necessary to extend the time available for it to comply with such rule for MD-80 aircraft SE-F and SE-G, and DC-9 aircraft SN-M through June 9, 2003, or for such other or further relief as the Administrator determines is consistent with the public interest.

Respectfully submitted,



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