

**BEFORE THE UNITED STATES  
DEPARTMENT OF TRANSPORTATION  
WASHINGTON D.C.**

Application of

**Aerolíneas Santo Domingo, SA.**

for renewal of exemption pursuant to 49 U.S.C.  
40109 and for Scheduled Foreign Air Carrier  
Permit Pursuant 49 U.S.C. 41301 Transportation  
between the Dominican Republic and United States

DOCKET: OST-2000-6796

**APPLICATION FOR RENEWAL OF EXEMPTION  
AND FOR A FOREIGN CARRIER PERMIT**

Communication with respect to this document should be sent to:

Luis A. Irizarry  
Aviation Consultant  
L. A. Irizarry & Associates, Inc.  
P.O. Box 37217 Airport Station  
San Juan, Puerto Rico P.R. 00937-0217  
Tel: (787) 752-7621  
Fax: (787) 276-3846

**NOTICE: Any person may support or approved this application by filing an answer with the  
Documentary Service Division, Department of Transportation, by February 20, 2008 and serving  
a copy of the answer on all persons listed in the service list attached to this applicant.**

Date: January 29, 2008

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Pursuant to 49 U.S.C. Section 401 09(c), Aerolineas Santo Domingo, S.A. (ASD) hereby applies to the Department of Transportation for renewal of its exemption from Section 40109 of the same title, and for a foreign air carrier permit ,conduct scheduled foreign air transportation of persons, property and mail between the Dominican Republic and United States. ASD requests renewal and amending of the exemption for a period of not less than two years. The existing exemption expired on August 20, 2008. ASD relies or 5 U.S.C. 558(c) as implemented in Part 377 of the Department Rules to able to continue exercising its exemption authority until such time as the Department take final action on the application.

In support of its application, ASD state as follows:

1. ASD is a corporation organized and existing under the laws of the Dominican Republic. It holds authority from the Dominican Republic Government to operate international charter air transportation and is specially designated by the Government of the Dominican Republic and United States.
2. On May 21, 2001, the Department authorized ASD to engage in foreign air transportation of persons and property between the Dominican Republic and United States effective May 21, 2001. This authority was confirmed by order OST - 2000-6796-2.

3. In order 2000-6796 -2 the Department explicitly found that: the authority sought by ASD is provided for in the July 22, 1986 bilateral agreement/reciprocity between the United States and the Dominican Republic; ASD is properly licensed and designated by the Dominican Republic Government to perform the proposed services; ASD is financially and Operationally qualified to perform the services authorized; the carrier is substantially owned and effectively controlled by Dominican Republic Nationals. In order 2000-6796-2 the Department found that the authority sought by ASD is consistent with the public interest; immediate action was required and was consistent with Department policy; grant of the exemption was consistent with the public interest. These findings continue to be valid.


4. Renewal of this exemption authority is warranted by the July 22, 1986 bilateral agreement/reciprocity between the United States and the Dominican Republic. Furthermore, renewal and amend will enable ASD to continue to provide service between Dominican Republic and United States and will benefit the traveling and shipping public. Renewal ASD exemption and foreign air carrier permit accordingly is in the public interest.

6. The Dominican Republic was a Category 2 country under the FAA's International Aviation Safety Assessment Program (IASA), but at this time it has been updated to a Category 1.

6. ASD may conduct U.S. operations with its own aircrafts and crews at this time.

WHEREFORE, Aerolíneas Santo Domingo, S.A.(ASD) respectfully requests that the Department of Transportation renew, for a period of not less than two year, its exemption and foreign air carrier permit to conduct scheduled foreign air transportation of person and property between Dominican Republic and United States.

Respectfully submitted,



L.A. Irizarry & Associates, Inc.  
Aviation Consultant  
P.O. Box 37217 Airport Station  
San Juan, P.R. 00937-0217  
Tel : (787) 752-7621  
Fax: (787) 276-3846

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Application for Renewal for Exemption and air carrier permit has been mailed by Regular Mail to all persons and entities shown on the attached service list in accordance with the Department procedures regulations.

**SERVICE LIST**

Department of Transportation  
Office of the Secretary  
400 Seventh Street, N.W.  
Washington, DC 20590

Department of State  
Office of Aviation  
2201 C Street, N.W.  
Washington DC 20520

Office of the Administrator  
Federal Aviation Administration  
800 Independence Ave. S.W.  
Washington DC 20591

American Airlines  
C/O Government Rep.  
1101 Seventeenth Street, N.W. Room 600  
Washington DC 20036

Hon. Jorge Santini  
Mayor, San Juan City  
PO Box 9024100  
San Juan, P.R. 00902-4100

Mr. Fernando Bonilla  
Executive Director  
Puerto Rico Ports Authority  
GPO Box 362829  
San Juan, P.R. 00930-2829

Aviation Director  
Civil Aviation Authority  
Santo Domingo, Dominican Republic

Executive Airlines d/b/a American Eagle  
Luis Munoz Marin International Airport  
San Juan, P.R 00919



UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
WASHINGTON, D.C.

Issued by the Department of Transportation on August 20, 2007

**NOTICE OF ACTION TAKEN -- DOCKET OST-2000-6796**

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).

Applicant: **Aerolineas Santo Domingo, S.A. d/b/a Air Santo Domingo**

Date Filed: July 6, 2007

Relief requested: Exemption from 49 U.S.C. § 41301 to engage in scheduled foreign air transportation of persons, property and mail between any point or points in the Dominican Republic, on the one hand, and Miami, Florida; New York, New York; and points in Puerto Rico, on the other hand; and to conduct charters in accordance with Part 212 of the Department's rules. The applicant requests that the authority be granted for a two-year term.

Date and citation of last action: Air Santo Domingo previously held the authority described above; that authority expired by its terms on February 23, 2007 (see Notice of Action Taken, dated July 23, 2006, in this docket)

Applicant representative: Luis A. Irizarry (787) 752-7621  
DOT Analyst: Shelita A. Smith (202) 366-1226

Responsive pleadings: None filed

**DISPOSITION**

Action: Approved in part (one-year grant), remainder (request for longer-term authority) dismissed<sup>1</sup>

Action date: February 20, 2006

Effective dates of exemption authority granted: August 20, 2007 – August 20, 2008

Basis for approval (bilateral agreement/reciprocity): Air Transport Agreement between the United States and the Dominican Republic, dated July 22, 1986

Except to the extent exempted/waived, this authority is subject to the terms, conditions, and limitations indicated:

Standard exemption conditions (attached)       Foreign air carrier permit (      )

Special conditions/Partial grant/Denial basis/Remarks: The one-year duration of the authority we granted is consistent with our usual policy of granting exemption authority in the circumstances presented. We, therefore, dismissed the application to the extent that it sought for a longer period.

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

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) the applicant is qualified to perform the proposed operations; (2) our action was consistent with Department policy; (3) grant of the authority was consistent with the public interest; and (4) 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/deferred/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.

<sup>1</sup> The authority previously held by Air Santo Domingo was limited to operations using wet-leased aircraft only. The authority we are granting here authorizes the carrier to conduct operations using its own aircraft and crews. By memorandum dated August 17, 2007, the FAA advised us that it knew of no reason why we should act unfavorably on Air Santo Domingo's application.

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

### Foreign Carrier Exemption Conditions

In the conduct of the operations authorized, the foreign carrier applicant(s) shall:

- (1) Not conduct any operations unless it holds a currently effective authorization from its homeland for such operations, and it has filed a copy of such authorization with the Department;
- (2) Comply with all applicable requirements of the Federal Aviation Administration, the Transportation Security Administration, and with all applicable U.S. Government requirements concerning security, including, but not limited to, 14 CFR Parts 129, 91, and 36 and 49 CFR Part 1546 or 1550, as applicable. To assure compliance with all applicable U.S. Government requirements concerning security, the holder shall, before commencing any new service (including charter flights) from a foreign airport that would be the holder's last point of departure for the United States, contact its International Principal Security Inspector (IPSI) to advise the IPSI of its plans and to find out whether the Transportation Security Administration has determined that security is adequate to allow such airport(s) to be served;
- (3) Comply with the requirements for minimum insurance coverage contained in 14 CFR Part 205, and, prior to the commencement of any operations under this authority, file evidence of such coverage, in the form of a completed OST Form 6411, with the Federal Aviation Administration's Program Management Branch (AFS-260), Flight Standards Service (any changes to, or termination of, insurance also shall be filed with that office);
- (4) Not operate aircraft under this authority unless it complies with operational safety requirements at least equivalent to Annex 6 of the Chicago Convention;
- (5) Conform to the airworthiness and airman competency requirements of its Government for international air services;
- (6) Except as specifically exempted or otherwise provided in a Department Order, comply with the requirements of 14 CFR Part 203, concerning waiver of Warsaw Convention liability limits and defenses;
- (7) Agree that operations under this authority constitute a waiver of sovereign immunity, for the purposes of 28 U.S.C. 1605(a), but only with respect to those actions or proceedings instituted against it in any court or other tribunal in the United States that are: (a) based on its operations in international air transportation that, according to the contract of carriage, include a point in the United States as a point of origin, point of destination, or agreed stopping place, or for which the contract of carriage was purchased in the United States; or (b) based on a claim under any international agreement or treaty cognizable in any court or other tribunal of the United States. In this condition, the term "international air transportation" means "international transportation" as defined by the Warsaw Convention, except that all States shall be considered to be High Contracting Parties for the purpose of this definition;
- (8) Except as specifically authorized by the Department, originate or terminate all flights to/from the United States in its homeland;
- (9) Comply with the requirements of 14 CFR Part 217, concerning the reporting of scheduled, nonscheduled, and charter data;
- (10) If charter operations are authorized, except as otherwise provided in the applicable aviation agreement, comply with the Department's rules governing charters (including 14 CFR Parts 212 and 380); and
- (11) Comply with such other reasonable terms, conditions, and limitations required by the public interest as may be prescribed by the Department, with all applicable orders or regulations of other U.S. agencies and courts, and with all applicable laws of the United States.

This authority shall not be effective during any period when the holder is not in compliance with the conditions imposed above. Moreover, this authority cannot be sold or otherwise transferred without explicit Department approval under Title 49 of the U.S. Code.