

**BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.**

Application of)
)
)
AIR PACIFIC LIMITED)
d/b/a FIJI AIRWAYS)
) Docket No. OST-2018-_____
for a statement of authorization pursuant to)
14 CFR Part 212 (codesharing with British Airways))
)

**APPLICATION OF AIR PACIFIC LIMITED d/b/a FIJI AIRWAYS
FOR A STATEMENT OF AUTHORIZATION**

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May 9, 2018

NOTICE: Fiji Airways has requested expedited treatment of this application. It will poll U.S. carrier representatives and inform the Department of the results.

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**APPLICATION OF AIR PACIFIC LIMITED d/b/a FIJI AIRWAYS
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Pursuant to Subpart C of the Department’s Rules of Practice and 14 C.F.R. Part 212, Air Pacific Limited d/b/a Fiji Airways (“Fiji Airways”) applies for a statement of authorization to enable it to codeshare with British Airways Plc (“British Airways”). More specifically, Fiji Airways seeks to display the BA* designator code of British Airways on Fiji Airways’ flights between San Francisco and Los Angeles, on the one hand, and Nadi, Fiji, on the other hand. Because Fiji Airways and British Airways intend to begin operating these services on June 13, 2018, and because British Airways intends to begin marketing the services on June 6, Fiji Airways requests expedited treatment of this application.¹

In support of this application, Fiji Airways respectfully states as follows:

1. Fiji Airways and British Airways are entering into a codesharing agreement pursuant to which Fiji Airways will display the BA* designator code of British Airways on Fiji

¹ Fiji Airways also requests that the Department waive the 45-day notice requirement set forth in 14 C.F.R. § 212.10(d)(2).

Airways' flights between San Francisco and Los Angeles, on the one hand, and Nadi, Fiji, on the other hand for the purpose of transporting British Airways' traffic between the European Union and Fiji.

2. Accordingly, Fiji Airways requests a statement of authorization pursuant to 14 C.F.R. § 212.9 to display the BA* code of British Airways on the Fiji Airways' flights described herein.

3. Both Fiji Airways and British Airways hold the requisite underlying authority for this service. Fiji Airways holds exemption authority authorizing it to provide scheduled foreign air transportation of persons, property, and mail between Nadi and San Francisco. *See* Notice of Action Taken in Docket OST-2016-0009, dated February 7, 2017 (in effect pursuant to a timely renewal application filed on January 23, 2018). Fiji Airways also holds exemption authority authorizing it to provide, *inter alia*, scheduled foreign air transportation of persons, property, and mail between Nadi and Los Angeles. *See* Notice of Action Taken in Docket OST-1997-2828 (September 14, 2011) (in effect pursuant to a timely renewal application filed on September 11, 2012). British Airways holds a foreign air carrier permit authorizing it to operate, *inter alia*,

foreign scheduled and charter air transportation of persons, property and mail from any point or points behind any Member State of the European Union, via any point or points in any Member State and via intermediate points, to any point or points in the United States and beyond.

Order 2007-10-1 (Docket OST-2007-28149).

4. The requested codeshare authorization is consistent with applicable air service agreements. Third-country codesharing is expressly permitted under the bilateral air transport agreements between the United States and Fiji and the United States and the European Union. *See* Art. 12(F)(2) of the U.S.-Fiji Air Transport Agreement of October 1, 1979, as amended on July

10, 1996; Art. 10(7) of the Air Transport Agreement between the United States of America and the European Community and its Member States, April 30, 2007.

5. The requested codeshare authorization is also consistent with the public interest. Approval of this application will permit British Airways to expand its service options and permit more efficient use of the Fiji Airways capacity available in these markets.

6. Fiji Airways and British Airways will conduct their codeshare operations in compliance with 14 C.F.R. Part 257 and will accept the Department's standard conditions.

7. Fiji Airways requests that the statement of authorization requested herein be issued for an indefinite duration, in accordance with Department practice.

8. Fiji Airways will poll the carrier parties named on the attached service list and advise the Department of the results as soon as possible.

Respectfully submitted,



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Dated: May 9, 2018

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of May 2018, a copy of the foregoing application was served by email on the parties named below:

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