

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

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Application of :  
LONGTAIL AVIATION INTERNATIONAL LIMITED : Docket OST 2004-19978  
for renewal of an exemption :  
under 49 U.S.C. section 40109. :  
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APPLICATION FOR RENEWAL OF AN EXEMPTION

FILED BY LONGTAIL AVIATION INTERNATIONAL LIMITED

Communications with respect to  
this document should be sent to:

Martin S. Amick  
Head of Flight Operations and CEO  
Longtail Aviation International  
Limited  
6 Southside Road  
St. George's Parish DD03  
Bermuda

Telephone +1 441-293-5971

Date: 16 April 2020

Interested persons have 15 days from the date this application  
is filed with the Department to file answers.

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

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Application of :  
: LONGTAIL AVIATION INTERNATIONAL LIMITED : Docket OST 2004-19978  
: for an exemption for one year :  
under 49 U.S.C. section 40109. :  
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RENEWAL APPLICATION FOR AN EXEMPTION  
FILED BY LONGTAIL AVIATION INTERNATIONAL LIMITED

1) The name and address of the Applicant are as follows:

Longtail Aviation International Limited  
6 Southside Road  
St. George's Parish DD03  
Bermuda.

The Applicant is a "company limited by shares" organized under the laws of Bermuda. (A "company limited by shares" is the Bermuda equivalent of a U.S. C corporation).

2) The name and address of the government air transport authority having jurisdiction over Applicant is:

Bermuda Civil Aviation Authority  
P.O. Box GE 218  
St. George's DDBX  
Bermuda

The Applicant's principal Flight Operations Inspector is Inspector Peter N. Adhemar, who can be reached via email at [pnadhemar@bcaa.bm](mailto:pnadhemar@bcaa.bm), and by telephone at +1 441 299-8601.

3) For the past sixteen years Applicant has been conducting on-demand, passenger charter operations between Bermuda and the United States and Fifth and Seventh Freedom passenger charters subject to prior approval under 14 CFR Part 212. The Applicant anticipates its passenger charter operations to remain substantially the same. The Applicant will not conduct operations in violation of U.S. cabotage rules. The operations that the Applicant conducts are not encompassed by a bilateral Agreement (except that the Applicant understands that Bermuda, an Overseas Territory of the United Kingdom, is covered by the

bilateral agreement between the United Kingdom and the United States of America). Applicant notes that a large number of U.S. carriers conduct similar charter operations under 14 C.F.R. Part 135 between the United States and Bermuda. The government of Bermuda does not prohibit or restrict these operations, although the government of Bermuda now requires U.S. operators to obtain a charter permit prior to conducting flights to Bermuda under 14 C.F.R. Part 135. Thus it is the case that this application is supported by adequate reciprocity.

Applicant seeks an exemption for at least one year under 49 U.S.C. § 40109.

4) The Applicant holds Part 129 Operations Specifications in effect with the U.S. Federal Aviation Administration currently overseen by the Miami International Field Office IFO-57, 2895 SW 145<sup>th</sup> Avenue, Suite 221, Miami, Florida.

5) Names, addresses and citizenship of all directors, officers, and key management personnel are as set forth below:

Name	Position	Residence Address	Business Address	Cit.
Fabian Bello	Chairman, Board of Directors; Deputy Accountable Manager	Miami, Florida	6 Southside Rd, St. George's Parish DD03 Bermuda	US
Martin S. Amick	Head of Flight Operations and CEO	Bermuda	6 Southside Rd, St. George's Parish DD03 Bermuda	US
Carlton Smith	Head of Ground Operations	Bermuda	6 Southside Rd, St. George's Parish DD03 Bermuda	US
Scott Hill	Technical Director	Texas	6 Southside Rd, St. George's Parish DD03 Bermuda	US
Robert A. Mulderig	Safety Officer and Quality Manager	Bermuda	6 Southside Rd, St. George's Parish DD03 Bermuda	Bermuda
Heather Nicholds	Training Administrator	Bermuda	6 Southside Rd, St. George's Parish DD03 Bermuda	Canada

6) The names and citizenship of stockholders and percentages owned are as follows: One hundred percent of Applicant is owned by Longtail Leasing Services Ltd., a Bermuda Company limited by

shares. Longtail Leasing Services Ltd. is owned 95% by Fabian Bello, and 5% by Martin S. Amick. Both are US Citizens.

Applicant does not believe that the change in ownership raises any regulatory issues under the Department's policy that substantial ownership and control of a foreign air carrier such as Longtail Aviation rest with nationals of the homeland, but to the extent necessary, Applicant hereby requests that the previous waiver of this policy continue in effect.<sup>1</sup> The Department states that it "has a long history of granting waivers from our ownership and control standard when grant of the waiver would not be inimical to U.S. aviation policies or interests."<sup>2</sup>

In this case, there is nothing inimical to U.S. aviation policies because the ownership is comprised of U.S. citizens and the day-to-day management of the company is not changing. Additionally, the USA has positive aviation relations with Bermuda based on comity and reciprocity and, as noted above, a large number of U.S. Part 135 carriers conduct charter flights between the United States and Bermuda.

Applicant's current ownership and control is also consistent with the Bermuda Civil Aviation Authority (BCAA) requirements, which require Bermudian carriers be managed by Bermudian residents. Applicant currently has four key management personnel who are residents of Bermuda.

Continuing the waiver in this case is consistent with the Department's precedent as there is nothing inimical to U.S. interests or aviation policy of a Bermudian carrier owned by U.S. citizens, the Department previously granted Applicant a waiver of this policy, and the BCAA approves the ownership

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<sup>1</sup> Applicant initially applied for exemption authorization from the Department when the carrier's ownership was 90% Irish and 10% Bermudian. The Department found:

the carrier is properly licensed and designated by the Government of Bermuda to perform the proposed services, and there is no evidence on the record that would suggest that there is anything in the ownership and control of the carrier that would be inimical to U.S. aviation policy or interests. Under these circumstances, we find it appropriate to waive our homeland ownership and control policy. (Notice of Action Taken, February 18, 2005, DOT-OST-2004-19978).

The above remains true, and Applicant respectfully submits that grant of the waiver of homeland ownership and control remains appropriate.

<sup>2</sup> DOT Order 2017-9-13, Order Granting Exemption and Show Cause, September 21, 2017, DOT-OST-2017-0040 (Vuela Aviación, S.A), p. 4.

structure and Applicant continues to meet its homeland requirements.

7) The Applicant has in effect liability insurance which meets or exceeds the Department of Transportation insurance requirements as delineated in 14 C.F.R. Part 205. A copy of OST Form 6411 (which has been completed by the Applicant's insurance broker) is attached to this filing. The original has been filed with the FAA/AFS-260.

8) Applicant conducts Public Transport Operations pursuant to operating authority issued to Applicant by the Bermuda Civil Aviation Authority, which authority is currently in effect in the form of Air Operator Certificate Number BDA/AOC/0104, which was originally issued in December of 2004. This operating authority is currently issued with a non-expiring date. A copy of the current Air Operator Certificate is attached.

9) Applicant has had no safety violations. Applicant has not defaulted on a transportation commitment in the past year.

10) A list of aircraft owned, leased and operated is presented in the following table, including each aircraft's registration number and country of registration.

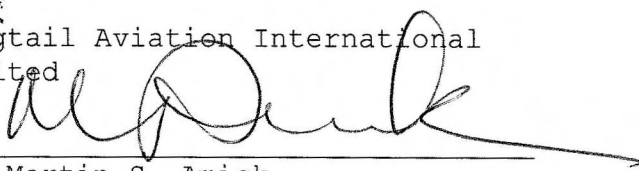
Aircraft Owned, Leased and Operated by the Applicant				
Aircraft	Registration Number	Country of Register	Status	Notes
Boeing 737-73W	VP-BRT	Bermuda	Leased from E & A Aviation Limited	Used for private ops and public transport.
			Operated by Longtail Aviation International Limited (Applicant).	
E & A Aviation Limited is a Bermuda company limited by shares having a mailing address at The Belvedere Building, Ground Floor, 69 Pitt's Bay Road, Pembroke HM 08, Bermuda. E & A Aviation Limited is a citizen of Bermuda.				

11) All equipment currently operated by the Applicant has fewer than 60 seats and has a payload capacity smaller than 18,000 pounds.

12) Applicant is specifically invoking the automatic-extension provisions of the Administrative Procedure Act, 5 USC 558 sub c, as implemented by 14 CFR Part 377, to keep Applicant's exemption authority in effect pending final action by the Department on this renewal request.

Submitted by:

Longtail Aviation International  
Limited

  
Martin S. Amick  
Head of Flight Operations and CEO


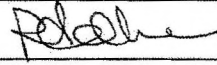

Date: 16 April 2020

**YOU MUST FILE THE APPLICATION WITH DOCUMENTARY SERVICES**

**There is no filing fee for companies of political dependencies  
of the United Kingdom.**

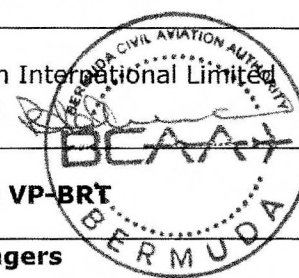
**Attachments:**

- Copy of OST Form 6411
- Copy of Applicant's Air Operator Certificate

AIR OPERATOR CERTIFICATE		
<b>Ministry of Tourism Development and Transport</b>  Department of Civil Aviation	<b>UNITED KINGDOM</b>	  GOVERNMENT OF BERMUDA
	<b>BERMUDA</b>	
<b>AOC Number</b> <b>BDA/AOC/0104</b>  <b>Expiry Date</b> <b>Not applicable</b>	<b>Longtail Aviation International Limited</b>  6 Southside Road St. George's Bermuda DD03  Tel: 1-441-2935971 Fax: 1-441-2935972 E: info@longtailaviation.com	<b>Operational Points of Contact</b>  Contact details, at which operational management can be contacted without undue delay are listed in Longtail Aviation Operations Manual Part A Section 1.2.
This certificate certifies that Longtail Aviation International Limited is authorized to perform commercial air operations as defined in the attached operations specifications, in accordance with the operations manual and the Air Navigation (Overseas Territories) Order 2013 as amended.		
<b>Date of issue:</b> <b>20<sup>th</sup> February 2015</b>	Peter Adhemar    Head of Operations	

### CONDITIONS:

1. Operations conducted under this Certificate are subject to the limitations and conditions shown in the Operations Specifications which form part of this Certificate; and
2. The Operator continues to meet the requirements of OTAR Parts 119 and 121 in respect of the operation to which this Certificate relates; and
3. The Operator holds any additional approvals which may be required by virtue of the circumstances and type of operation conducted, airspace within which the operation is conducted or to meet any other requirement; and
4. Subject to compliance with the foregoing conditions, this Certificate shall remain valid from the date of issue until the approval is surrendered, superseded, suspended or revoked.

OPERATIONS SPECIFICATIONS (subject to the approved conditions in the operations manual)			
<b>BERMUDA CIVIL AVIATION AUTHORITY CONTACT DETAILS</b> Tel: +1-441-2931640 Fax: +1-441-2932417 E-mail: flightops@bcaa.bm			
<b>AOC No:</b> BDA/AOC/0104 <b>Operator name:</b> Longtail Aviation International Limited <b>Date:</b> 07 February 2020 <b>Signature:</b> 			
<b>Aircraft model:</b> Boeing B737-73W		<b>Registration(s):</b> VP-BRT	
<b>Types of Operation:</b> Commercial Air Transport - Passengers			
<b>Areas of operation:</b> Worldwide between 82 degrees North and 82 degrees South, except for the region between 80 degrees West and 170 degrees West longitude, the maximum flight operating latitude is 73 degrees North, and the region between 120 degrees East and 160 degrees East longitude, the maximum operating latitude is 60 degrees South.			
<b>Special limitations:</b>			
SPECIAL AUTHORIZATIONS	Y/N	SPECIFIC APPROVALS	REMARKS
Dangerous Goods	No		
Low Visibility Operations Approach and Landing Take-off Operational Credits	No No No		
RVSM	Yes	All regions	BDA/NAV/1095
EDTO/ETOPS	Yes	Threshold time 60 mins. Maximum diversion time 120 mins	
AR Navigation specifications for PBN operations	No		
Continuing Airworthiness	XXX	AMES	BDA/CAMO/010
EFB	Yes	Aeronautical Charts, Performance, Mass and Balance	includes iPad
NAT HLA	Yes		BDA/NAV/1095
FANS 1/A	Yes		BDA/NAV/1095



Office of the Secretary  
of Transportation

#### AGENCY DISPLAY OF ESTIMATED BURDEN

The public reporting burden for this collection of information is estimated to average 30 minutes per response. If you wish to comment on the accuracy of the estimate or make suggestions for reducing this burden, please direct your comments to the U.S. Department of Transportation, Office of Aviation Analysis, X-56, 400 7th St., SW., Washington, D.C. 20590. According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

OMB No. 2106-0030 Expires 9-30-07

### FOREIGN AIR CARRIERS CERTIFICATE OF INSURANCE

#### POLICIES OF INSURANCE FOR AIRCRAFT ACCIDENT BODILY INJURY AND PROPERTY DAMAGE LIABILITY

**FILING INSTRUCTIONS:** File a signed original of this form with the Federal Aviation Administration, Air Transportation Div., AFS 260, 800 Independence Ave. S.W., Washington, D.C. 20591. (see **EXCEPTION** below.)

**EXCEPTION:** If section 2A. is filled in because the insured is a *Canadian Charter Air Taxi Operator*, file an original of this form with the U.S. Department of Transportation, Special Authorities Division (X-46), 400 7th Street, SW, Washington, D.C. 20590  
(Please type information, except signatures.)

**THIS CERTIFIES THAT:** STARR INDEMNITY & LIABILITY COMPANY - BY STARR AVIATION AGENCY, INC.

(Name of Insurer)

has issued a policy or policies of Aircraft Liability Insurance to LONGTAIL AVIATION INTERNATIONAL LIMITED

6 SOUTHSIDE ROAD, ST GEORGE'S PARISH, DD03 BERMUDA

FAA Certificate Number

L64F102F

(Name, address and FAA Certificate number of insured Foreign Air Carrier)

effective from APRIL 1, 2020 until ten (10) days after written notice from the insurer or carrier of the intent to terminate coverage is received by the Department of Transportation.

NOTE: Part 205 of the Department's Regulations does not allow for a predetermined termination date, and a certificate showing such a date is unacceptable.

1. The Insurer (Check One):

- ☐ is licensed to issue aircraft insurance policies in the United States;
- ☒ is licensed or approved by the government of BERMUDA to issue aircraft insurance policies; or
- ☐ is an approved surplus line insurer in the State(s) of \_\_\_\_\_

2. The insurer assumes, under the policy or policies listed below, aircraft accident liability insured to minimums at least equal to the following during operation, maintenance, or use of aircraft in "foreign air transportation" as that term is defined in 49 U.S.C. 40102  
(Complete applicable section(s) below):

**A. CANADIAN CHARTER AIR TAXI OPERATORS WITH PART 294 AUTHORITY ONLY**

The aircraft covered by this policy have: (1) 30 or fewer passenger seats or with a maximum payload capacity of 7,500 pounds or less; and/or (2) a maximum authorized takeoff weight on wheels of no more than 35,000 pounds). (Check separate or combined coverage as appropriate):

☐ Separate Coverages:

Policy No.	Type of Liability	Minimum Limit	
		Each Person	Each Occurrence
_____	Combined Bodily Injury (Excluding Passengers other than cargo attendants) and Property Damage Liability	\$ 75,000	\$2,000,000 * (See Note)
_____	Passenger Bodily Injury	\$ 75,000	\$ 75,000 x 75% of total number of passenger seats installed in the aircraft.

☐ Combined Coverage: This combined coverage is a single limit of liability for each occurrence at least equal to the required minimums stated above for bodily injury (excluding passengers), property damage, and passenger bodily injury.

Policy No. \_\_\_\_\_ Amount of Coverage \_\_\_\_\_ U.S. Dollars

☐ This policy covers CARGO operations *only* and *excludes* passenger liability insurance.

\* NOTE: If the aircraft covered by this policy have more than 30 passenger seats or more than a maximum payload capacity of 7,500 pounds, the minimum limit per occurrence shall be \$20,000,000.

**B. FOREIGN AIR CARRIERS OPERATING SMALL AIRCRAFT**

The aircraft covered by this policy are SMALL AIRCRAFT (i.e., with 60 or fewer passenger seats or with a maximum payload capacity of 18,000 pounds or less). (Check separate or combined coverage as appropriate):

☐ Separate Coverages:

Policy No.	Type of Liability	Minimum Limit	
		Each Person	Each Occurrence
_____	Combined Bodily Injury (Excluding Passengers other than cargo attendants) and Property Damage Liability	\$ 300,000	\$ 2,000,000*(See note)
_____	Passenger Bodily Injury	\$ 300,000	\$ 300,000 x 75% of total number of passenger seats installed in the aircraft.

☐ Combined Coverage: This combined coverage is a single limit of liability for each occurrence at least equal to the required minimums stated above for bodily injury (excluding passengers), property damage, and passenger bodily injury.

Policy No. \_\_\_\_\_ Amount of Coverage \_\_\_\_\_ U.S. Dollars

☐ This policy covers CARGO operations *only* and *excludes* passenger liability insurance.

**C. FOREIGN AIR CARRIERS OPERATING LARGE AIRCRAFT**

The aircraft covered by this policy are LARGE AIRCRAFT (i.e., with more than 60 passenger seats or with a maximum payload capacity of more than 18,000 pounds). (Check separate or combined coverage as appropriate):

☐ Separate Coverages:

Policy No.	Type of Liability	Minimum Limit	
		Each Person	Each Occurrence
_____	Combined Bodily Injury (Excluding Passengers other than cargo attendants) and Property Damage Liability	\$ 300,000	\$20,000,000*(See note)
_____	Passenger Bodily Injury	\$ 300,000	\$ 300,000 x 75% of total number of passenger seats installed in the aircraft.

☒ Combined Coverage: This combined coverage is a single limit of liability for each occurrence at least equal to the required minimums stated above for bodily injury (excluding passengers), property damage, and passenger bodily injury.

Policy No. 1000231115-04 Amount of Coverage \$500,000,000 U.S. Dollars

☐ This policy covers CARGO operations *only* and *excludes* passenger liability insurance.

3. The policy or policies listed in this certificate insure(s) (Check One):

☐ Operations conducted with all aircraft operated by the Insured

☐ Operations conducted with the following types of aircraft:

☒ Operations with the following aircraft: (Use additional page if necessary)

Make and Model

BOEING BBJ

FAA or Foreign Flag  
Registration No.

VP-BRT

4. Each policy listed in this certificate meets or exceeds the requirements in 14 CFR Part 205.

STARR AVIATION AGENCY, INC.

(Name of Insurer)

\_\_\_\_\_  
(Name of Broker, if applicable)

3353 PEACHTREE ROAD N.E., SUITE 1000

(Address)

\_\_\_\_\_  
(Address)

ATLANTA, GA 30326

(City, State, Zip Code)

\_\_\_\_\_  
(City, State, Zip Code)

KYLE SPARKS / CHIEF UNDERWRITING OFFICER

Contact (person who can verify the effectiveness of the coverage)

\_\_\_\_\_  
(Officer or authorized representative)

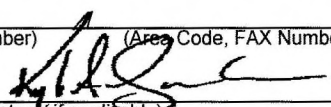
404-946-1400

(Area Code, Phone Number)

\_\_\_\_\_  
(Area Code, FAX Number)

/  
(Area Code, Phone Number)

\_\_\_\_\_  
(Area Code, FAX Number)



(Signature, if applicable)

\_\_\_\_\_  
(Signature)

APRIL 2, 2020 (AH)

(Date)

\_\_\_\_\_  
(Date)