



VIA REGULATIONS.GOV & EMAIL

September 14, 2021

Brett Kruger
Chief, U.S. Carrier Licensing Division
U.S. Department of Transportation
1200 New Jersey Ave SE
Washington, DC 20590

RE: Objection of HavanaAir to World Atlantic Airlines U.S.-Havana Charter Pool
Request #2-B; Motion for Leave to File
Docket DOT-OST-2020-0011

Dear Mr. Kruger:

On behalf of ViajeHoy, LLC d/b/a HavanaAir, we will attempt to clarify our sole purpose of objecting to the application by Caribbean Sun Airlines, Inc. d/b/a World Atlantic Airlines (“WAA”) for U.S.-Havana charter pool allocations to operate flights on behalf of WAC.¹ Prior to 2019, WAA had not served the U.S.-Cuba market for almost a decade. WAA only operated in that market in 2019 because of minimal use by HavanaAir after our primary carrier lacked available aircraft for our operations that forced an immediate search for an alternative. Attractive incentives were extended to us from the new incoming WAA CFO to utilize WAA, at which time WAA was the only alternative direct carrier option available.

Subsequently, pursuant to the new U.S.-Havana charter allocation regime established by Order 2020-5-7 issued by the previous administration, WAA was awarded flights out of DOT’s initial pool distribution solely because WAA served the U.S.-Cuba market for HavanaAir for a brief period in 2019.

HavanaAir then entered into a contract with WAA, requiring HavanaAir to pay all costs to establish a station operation in Tampa (TPA), including office space, crew accommodations and meals for a minimum of 8 crew, including their air transportation, in addition to parking costs of the aircraft. Only after HavanaAir accomplished establishing this TPA station operation² did WAA develop WAC, recently incorporated with the State of Florida 2.19.2020³, whose listed owner is WAA’s Vice President of Sales, the very individual who negotiated and executed HavanaAir’s contract terms and schedules, to establish a new operation and filing with DOT.

¹ To the extent necessary, Havana Air moves to file an otherwise unauthorized pleading. Good cause exists to grant this motion as the information will provide a more complete record upon which the Department can issue its decision.

² The TPA operations were temporarily suspended only due to the Covid-19 outbreak in Cuba.

³ See Florida Department of State filing.

Under the guise of a lack of aircraft usage (due to the coronavirus pandemic and border closings in Cuba), WAA filed for flights on behalf of WAC utilizing the exact schedule and times submitted and utilized by HavanaAir. *Only days after requesting flights from the DOT pool for WAC*, did WAA submit a cancellation notice to HavanaAir. The actions and premeditated intent of WAA to move Havana Air flights, for which charter pool allocations were awarded, to a related public charter operator owned and operated by an internal WAA officer is less than ethical.⁴

We respectfully remind DOT that WAA was awarded allocations for ‘direct sales public charters’ from the initial charter pool distribution, warehoused and never utilized, with WAA well understanding they could not utilize these awarded allocations as “direct sales”. WAA carries no licensing or landing permits with the Cuban aviation authorities. We don’t believe the intent of the DOT, through the pool allocation process, was to move long term historical Part 380 flight operations, such as those conducted by HavanaAir with a decade of serving passengers effectively, to the control of direct carriers. Allowing direct carriers to determine who receives, if any, portions of the available pool of flights is inconsistent with how the U.S.-Cuba charter market operates.

A previous filing by WAA on July 12, 2021, for 234 flights from the charter pool, was rescinded within one day of filing, after certain parties at WAA discovered this action and its obvious internal conflict of interest and negative impact on HavanaAir, a valuable existing customer, and one who had made a substantial financial investment in the Tampa market on WAA’s behalf.

We reiterate this response is for purposes of clarifying our previously submitted objection. We fully support the request by Global Crossing Airlines for charter pool allocations, which will be used to move all flights for which allocations were previously awarded to WAA, specifically on behalf of HavanaAir, to Global Crossing Airlines, who has respectfully and professionally agreed to step in and cover these flights and minimize the negative impact WAA’s actions will have on our passengers.

Mark Elias
President / COO



⁴ WAA subsequently agreed to operate HavanaAir’s flights only after a 65% increase in cost per rotation. HavanaAir, not surprisingly, declined that offer.