



UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
WASHINGTON, DC

Issued by the Department of Transportation on March 18, 2020

**NOTICE OF ACTION TAKEN -- DOCKET DOT-OST-2020-0025**

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).

Application of **SILVER AIRWAYS LLC (Silver)** filed **2/25/20** for:

**XX** Exemption for two years under 49 U.S.C. 40109 to provide the following service:

**Scheduled foreign air transportation of persons, property, and mail from points behind the United States via the United States and intermediate points to any point or points in St. Kitts and Nevis and beyond.<sup>1</sup>**

Applicant representatives: **Jonathon H. Foglia and Barbara M. Marrin (202) 298-8660**

DOT Analyst: **Darren Jaffe (202) 366-2512**

**DISPOSITION**

**XX** **Granted, in part** (subject to conditions, see below)<sup>2</sup>

The above action was effective when taken: **March 18, 2020**, through **March 18, 2022**.

**Action taken by: Brian J. Hedberg, Director**  
**Office of International Aviation**

**XX** **The authority granted is consistent with the Air Transport Agreement Between the United States of America and St. Christopher and Nevis.**

**Conditions:** The authority granted to serve intermediate and beyond points is limited to countries with which the United States has signed open-skies agreements and/or countries for which Silver holds authority to serve under certificates and exemptions issued by the Department.

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

**XX** **Holder's certificate of public convenience and necessity**

**XX** **Standard exemption conditions (attached)**

On the basis of data officially noticeable under Rule 24(g) of the Department's regulations, we found the applicant qualified to provide the exemption services authorized.<sup>3</sup>

<sup>1</sup> In its application, Silver stated that it planned to use its ATR-72 aircraft on routes covered in its application beginning in the Spring of 2020.

<sup>2</sup> With respect to Silver's request for authority to conduct operations behind the United States, we note that such authority is inherent in the authority that we award carriers to perform foreign air transportation. Therefore, we will dismiss this portion of the carrier's request.

<sup>3</sup> Silver currently holds authority to serve St. Kitts and Nevis only with small aircraft. By Order 2019-11-12, we found Silver fit, willing, and able to conduct interstate and foreign scheduled air transportation of persons, property, and mail with large aircraft. We separately awarded Silver authority to serve the Bahamas with ATR-72 aircraft. See Notice of Action Taken in Docket DOT-OST-2019-0080, issued November 19, 2019. The foreign air transportation services authorized here are not markedly different in terms of aircraft size or stage length from the operations under the carrier's existing authority. We, therefore, find that Silver is qualified to provide the proposed air transportation for the period covered by the exemption.

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) our action was consistent with Department policy; (2) grant of the authority was consistent with the public interest; and (3) 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 or 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.

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://www.regulations.gov>

**U.S. Carrier Exemption Conditions**

In the conduct of the operations authorized, the U.S. carrier applicant(s) shall:

- (1) Hold at all times effective operating authority from the government of each country served;
- (2) Comply with applicable requirements concerning oversales contained in 14 CFR 250 (for scheduled operations, if authorized);
- (3) Comply with the requirements for reporting data contained in 14 CFR 241;
- (4) Comply with requirements for minimum insurance coverage, and for certifying that coverage to the Department, contained in 14 CFR 205;
- (5) Except as specifically exempted or otherwise provided for in a Department Order, comply with the requirements of 14 CFR 203, concerning waiver of Warsaw Convention liability limits and defenses;
- (6) 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, 49 CFR Part 1544. To assure compliance with all applicable U.S. Government requirements concerning security, the holder shall, before commencing any new service (including charter flights) to or from a foreign airport, contact its Principal Security Inspector (PSI) to advise the PSI 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;
- (7) Comply with such other reasonable terms, conditions, and limitations required by the public interest as may be prescribed by the Department of Transportation, with all applicable orders and regulations of other U.S. agencies and courts, and with all applicable laws of the United States.

The authority granted shall be effective only during the period when the holder is in compliance with the conditions imposed above.