



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

Issued by the Department of Transportation on August 11, 2020

NOTICE OF ACTION TAKEN -- DOCKET DOT-OST-2020-0117

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 **Polar Air Cargo Worldwide, Inc. (Polar)** filed **7/30/20**, for:

XX Reallocation of one (1) Hong Kong fifth-freedom all-cargo frequency currently held by Polar for Hong Kong-Sharjah services, to permit Polar to provide all-cargo service between Hong Kong and Auckland, New Zealand.¹

Applicant representative: **Kevin P. Montgomery (202) 828-1002**

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

DISPOSITION

XX **Granted, reallocation of one weekly fifth-freedom frequency for Hong Kong-Auckland all-cargo service** (subject to conditions, see below).

The above action reallocating one frequency to Polar was effective when taken: **August 11, 2020**, and will remain in effect indefinitely, subject to the conditions below.

Action taken by: Esta Rosenberg
Acting Director, Office of International Aviation

XX The authority granted is consistent with the October 19, 2002, Memorandum of Understanding (MOU) between the Government of the United States and the Government of the Hong Kong Special Administrative Region of the People's Republic of China.²

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

XX **Holders' certificates of public convenience and necessity**

Conditions: Consistent with our standard practice in awarding frequencies, we will allow a 10-day leeway in the proposed start-up date for Polar. We will allow Polar to inaugurate service with the frequency allocated here within 10 days of September 2, 2020 (*i.e.*, by September 12, 2020). Failure to

¹ Polar requests that one (1) of the five (5) frequencies allocated to Polar for services between Hong Kong and Sharjah, U.A.E., be exchanged to enable service between Hong Kong and Auckland, New Zealand beginning September 2, 2020. Polar also requests that we select New Zealand as one of the 10 selected countries under Appendix 1, U.S. Route 2 of the MOU. We will handle this selection request separately through normal diplomatic channels.

² Under the MOU between the United States and Hong Kong, U.S. all-cargo carriers are limited to a total of 64 weekly fifth-freedom frequencies. With our action here, there are no remaining fifth-freedom frequencies available for allocation to U.S. all-cargo carriers.

inaugurate service with this newly allocated frequency by September 12, 2020, will result in the unused frequency reverting to the Department.³

In addition, consistent with our standard practice, the frequency allocation made here is subject to our standard 90-day dormancy condition, wherein any frequency not operated for a period of 90 days (once inaugurated) would be deemed dormant and the allocation with respect to that frequency would expire automatically and the frequency would revert to the Department for reallocation.

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, 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>

³ Polar may continue use of the Hong Kong-Sharjah frequency until it commences the new Hong Kong-Auckland service, but in no case beyond September 12, 2020.