

BEFORE THE  
DEPARTMENT OF TRANSPORTATION  
WASHINGTON, D.C.

Application of

**TOPFLIGHT AERO-SERVICES LTD.**

for an exemption from 49 U.S.C. § 41301  
(Bahamas-U.S. all-cargo charters)

DOCKET  
OST-2022-

APPLICATION OF TOPFLIGHT AERO-SERVICES LTD.  
FOR AN EXEMPTION

Communications with respect to this document should be sent to:

John R. Mietus, Jr.  
Law Office of John Mietus, LLC  
9710 Traville Gateway Dr. #274  
Rockville MD 20850 (mail address)  
(202) 747-5212  
john@mietuslaw.com  
Counsel for TopFlight Aero-Services Ltd.

NOTICE: Any person may support or oppose this application by filing an answer no later than April 25, 2022 and serving a copy of the answer on counsel for TopFlight and upon persons served with this application.

April 8, 2022

BEFORE THE  
DEPARTMENT OF TRANSPORTATION  
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Application of

**TOPFLIGHT AERO-SERVICES LTD.**

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APPLICATION OF TOPFLIGHT AERO-SERVICES LTD.  
FOR AN EXEMPTION

Pursuant to 49 U.S.C. § 40109(c), TopFlight Aero-Services Ltd. (“TopFlight”), a flag carrier of the Commonwealth of the Bahamas, respectfully requests an exemption from the provisions of 49 U.S.C. § 41301 to the extent necessary to permit it to engage in charter foreign air transportation of property and mail between a point or points in the Bahamas and a point or points in the United States, and other charters subject to Part 212 of the Department's Economic Regulations, using small aircraft as defined in 14 C.F.R. § 298.2. So that TopFlight may begin the proposed services, it requests that the Department grant the requested authority expeditiously and for an initial period of two years.

In support of this application, TopFlight provides the information required by 14 C.F.R. § 211.20 in the Exhibits attached to this application and states as follows:

1. TopFlight is a Bahamian flag carrier headquartered at Nassau, New Providence, Bahamas. It was recently formed and is owned by a husband and wife, both Bahamian citizens.

2. TopFlight is fit, willing, and able to provide scheduled charter foreign air transportation to and from the United States. Its key personnel possess substantial business and aviation experience, and the applicant has the financial resources necessary to serve the United States safely and without undue risk to passengers.

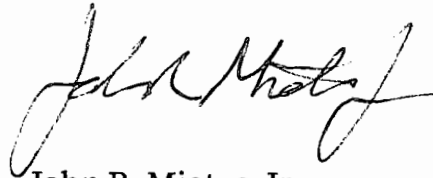
3. Charter operations between the Bahamas and the United States are governed by the liberal U.S.-Bahamas Air Transport Agreement dated January 27, 2020. Annex I of the Agreement provides that Bahamian carriers are entitled to operate “from points behind The Bahamas via The Bahamas and intermediate points to a point or points in the United States and beyond.” The Department has granted small-aircraft, Bahamas-U.S. charter authority on the strength of the new agreement. *See Azure Aviation, Ltd.*, Notice of Action Taken dated Feb. 4, 2020 in Docket OST-2019-0147.

4. The applicant’s proposed operations will benefit the traveling public by providing additional, competitive price and service options for shippers in the Bahamas-U.S. market, and they otherwise are consistent with the public interest for the reasons described herein. These operations will have a limited environmental

impact.

WHEREFORE, TopFlight Aero-Services Ltd. respectfully requests that the Department of Transportation expeditiously grant the exemption described herein and such other relief as may be necessary or appropriate.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John R. Mietus, Jr.", written in a cursive style.

John R. Mietus, Jr.  
Counsel for TOPFLIGHT AERO-  
SERVICES LTD.

April 8, 2022

INFORMATION SUPPLIED PURSUANT  
TO THE DEPARTMENT'S REGULATIONS

TopFlight Aero-Services Ltd. hereby supplies, in support of its exemption application, the information required by the Department pursuant to 14 C.F.R. § 211.20.

**(a) Name and address of applicant; form and country of organization.**

TopFlight Aero-Services Ltd.  
PO Box EE-15290  
Coral Harbour Road  
Nassau, New Providence  
BAHAMAS

The applicant is a private company limited by shares incorporated under Bahamian law.

**(b) Government air transport authority of applicant's homeland.**

Civil Aviation Authority Bahamas  
Ministry of Tourism and Aviation  
P.O. Box N-975  
Nassau, N.P.  
BAHAMAS

**(c) Authority requested and proposed services.**

TopFlight requests an exemption from the provisions of 49 U.S.C. § 41301 to the extent necessary to permit it to engage in charter foreign air transportation of property and mail between a point or points in the Bahamas and a point or points in the United States, and other charters subject to Part 212 of the Department's Economic Regulations, using small aircraft as defined in 14 C.F.R. § 298.2.

The applicant proposes to conduct frequent charter operations between the Bahamas and points in the United States, including weekday freighter flights between Miami-Opa Locka Executive (KOPF) and Lynden Pindling International (MYNN) Airports and other, *ad hoc* flights.

(d) **Names, addresses, citizenship, and experience of directors, officers, and key personnel of applicant.**

The following personnel, all Bahamian citizens, and some related as described below, can be reached at the applicant's address above.

**Heuter Rolle** is the President, Accountable Manager, and Director of Operations. His forty years of aviation experience began with U.S. flight training in Opa Locka, FL. He worked as a pilot and flight instructor from 1984 to 1988, then established two Bahamian airlines, Sky Unlimited Air Charter Services and SkyBahamas Airlines. From 2008 to 2017 he was a private aviation consultant, and he was most recently Director of the Board of the Bahamas Civil Aviation Authority.

**Dereck Sands** is the Chief Financial Officer and Heuter Rolle's brother-in-law. An accounting graduate of Morehouse College in Atlanta, Mr. Sands currently manages a janitorial company, and he held accounting and financial positions with the Bahamas Telecommunications Company (2001-14), Bahamian Ministry of Finance, Credit Suisse, Cititrust, and Citibank, where he began his career in 1980.

**Darrow Rolle**, the Chief Pilot, is Heuter Rolle's son. His 6,000+ flying hours including first officer positions with Bahamasair (2012-2022) and Western Air Bahamas (2009-2012), the latter in the Saab 340 aircraft. He began his career with Sky Unlimited and SkyBahamas.

**Dion Demeritte** is the Chief Inspector. He joined TopFlight from consulting and airline maintenance management, and he was employed by the Bahamas Civil Aviation Authority from 2002-2018 (including as Acting Manager, Flight Standards) and Bahamasair from 1986 to 2001.

(e) **Persons having a substantial interest in the applicant.**

Heuter Rolle and his wife Prescola, both Bahamian citizens, each hold 50% of the company's ownership interests.

**(f) Ownership or control of other airlines or transportation companies.**

TopFlight holds no interest in (1) any U.S. air carrier, (2) any other foreign air carrier, (3) any person engaged in the business of aeronautics, or (4) any common carrier or any person whose principal business is the holding of stock in, or control of, any air carrier.

**(g) Relationship between applicant and its homeland government.**

There is no relationship, other than that occasioned by regulatory oversight, between TopFlight and the Bahamian government.

**(h) Insurance coverage.**

The carrier will file OST Form 6411 demonstrating that it holds insurance that meets or exceeds the requirements of 14 C.F.R. Part 205.

**(i) Applicant's homeland operating authority.**

Attached as **Exhibit 2** are copies of the License to Provide Charter Services and Air Operator Certificate for TopFlight authorizing, among other things, service between the Bahamas and the United States. The License is valid through April 5, 2023, and the carrier intends to renew it in due course.

**(j) Operating history of the applicant.**

TopFlight was founded last year to conduct the charter operations described in this application.

**(k) Fleet information.**

TopFlight plans to conduct U.S. charter operations initially with a single, leased, Saab 340A freighter aircraft, registration C6-EAR, MSN 340-046, with a payload of 8,500 pounds. It is leased from AWL Leasing II, LLC d/b/a Aeroway Capital Management LLC, 28324 E Main Drive, Waterford WI 53185.

**(l) Aircraft maintenance.**

TopFlight maintains its aircraft under a program that complies with annexes 1, 6 (Part I), and 7 to the Convention on International Civil Aviation, to which the Commonwealth of the Bahamas is a contracting party. The FAA has rated the Bahamas "Category 1" under the IASA program. Its primary maintenance contractor is Aviation Management Repairs in Ft. Pierce, FL.

**(m) Agreements with other carriers.**

No agreements with other carriers will affect the proposed U.S. services.

**(n) Financial data summaries.**

TopFlight has not previously operated as an air carrier and therefore has no financial statements.

**(o) Homeland government financial assistance.**

None. See item (g) above.

**(p) Financial forecast.**

Confidential Exhibit A, which has been filed under seal with a motion for confidential treatment, provides a one-year forecast for the applicant's proposed U.S. operations.

**(q,r) Bilateral agreement and designations; homeland government policy with respect to U.S. carriers.**

Charter operations between the Bahamas and the United States are governed by the liberal U.S.-Bahamas Air Transport Agreement dated January 27, 2020. Annex I of the Agreement provides that Bahamian carriers are entitled to operate "from points behind The Bahamas via The Bahamas and intermediate points to a point or points in the United States and beyond." The Department has authorized charter services by Bahamian carriers under the new bilateral, *see Azure Aviation, Ltd.*, Notice of Action Taken dated Feb. 4, 2020 in Docket OST-2019-0147, and previously as a longstanding



matter of comity and reciprocity. *See, e.g., Inter Island Charters Ltd.*, Notice of Action Taken dated April 8, 2019 in Docket DOT-OST-2009-0039.

**(s) Accidents or safety or tariff violations.**

TopFlight has not experienced any safety or tariff violations or fatal accidents in the last five years.

**(t) OST Form 4523.**

TopFlight will provide the Department, under separate cover in Docket OST-1995-236 and pursuant to 14 C.F.R. Part 203, an executed OST Form 4523 (CAB Agreement 18900) relating to the liability limitations of the Warsaw Convention.

**(\* Family assistance and passenger manifest plans.**

As the applicant's authority will be limited to small aircraft, no family assistance or passenger manifest plans are required under Order 98-1-31 and 14 C.F.R. Part 243.

CIVIL AVIATION AUTHORITY BAHAMAS  
Unit 202, 2<sup>nd</sup> Floor, British Colonial  
Centre of Commerce  
#1 Bay Street P.O. Box N-975  
New Providence, The Bahamas



Email: forms@caabahamas.com  
Website: www.caabahamas.com  
Telephone: (242) 397-4700  
Fax: (242) 326-3591

### Air Operator Certificate

COMMONWEALTH OF THE BAHAMAS		
Issued by the Civil Aviation Authority Bahamas as the State of the Operator		
AOC No: <b>619</b> Expiry date: <b>April 30, 2024</b> Issue No: 1	<b>TOPFLIGHT AERO-SERVICES LTD.</b>	<b>Operational Points of Contact: Heuter Rolle, Accountable Manager</b>
	Db a trading name: N/A Operator address: P.O. BOX EE15290 Odyssey Aviation Coral Harbour Rd.  Telephone: 242-557-4918 Fax: E-mail: HROLLE@TOPFLIGHTAEROSERVICES.COM	Contact details, at which operational management can be contacted without undue delay, are listed in Operations Manual Part A (OMA).
This certificate certifies that <b>TOPFLIGHT AERO-SERVICES LTD</b> is authorised to perform commercial air transport operations, as defined in the attached Operations Specifications, in accordance with the approved Operations Manual and CAR OPS 1.		
Date of Issue April 5, 2022	Name: Alexander B. Ferguson	
	Signature: 	
	Title: Director General (Acting)	



# Commonwealth of the Bahamas

CIVIL AVIATION AUTHORITY BAHAMAS  
CIVIL AVIATION ACT of 2021

AIR TRANSPORT LICENCE

**TopFlight Aero-Services Ltd.**

**TO PROVIDE CARGO AIR SERVICES**

1. *The Director General of the Civil Aviation Authority Bahamas, in accordance with the provisions of the Civil Aviation Act of 2021, hereby grants to **TopFlight Aero-Services Ltd.** an Air Transport licence to operate **Cargo** Air Services as specified in paragraph 3 herein, subject to the terms and conditions set out in **Schedule C**, hereto, which Schedule shall be deemed to form part of this licence.*
2. *This licence is effective **5<sup>th</sup> April, 2022** for a period of (1) One Year*
3. **TopFlight Aero-Services Ltd.**, is hereby authorized to operate the following Cargo Air Services: - *Mail and freight Air Services Between:*

**All Points within The Bahamas**

**The Bahamas on the one hand and the United States of America and Havana Cuba on the other.**

*(Subject to the applicable country's prior approval).*

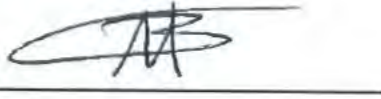
Alexander B. Ferguson  
**Director General (Acting)**  
**Civil Aviation Authority Bahamas**

**Issued: 5<sup>th</sup> April, 2022**

**Reference: CAA-B/ATL/35/(1)/1830/1079**

CERTIFICATION

Pursuant to Title 18, United States Code, section 1001, I, Heuter Rolle, in my individual capacity and as the authorized representative of TopFlight Aero-Services Ltd., have not in any manner knowingly and willfully concealed or covered up any material fact or made any false, fictitious or fraudulent statement or knowingly used any documents which contain such statements in connection with the preparation, filing, or prosecution of the material being submitted to the Department. I understand that an individual who is found to have violated the provisions of 18 U.S.C. section 1001 shall be fined not more than \$10,000 or imprisoned not more than five years, or both.



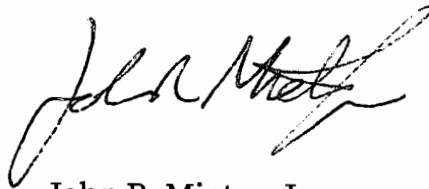
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Dated: April 6<sup>th</sup>, 2022

**CERTIFICATE OF SERVICE**

I hereby certify that I have, this eighth day of April, 2022 caused the attached Application of TopFlight Aero-Services Ltd. to be served by electronic mail on the following persons:

American	robert.wirick@aa.com	john.b.williams@aa.com
Amerijet	rleon@amerijet.com	
Delta	chris.walker@delta.com	steven.seiden@delta.com
Expressjet	elizabeth.galbavy@expressjet.com	
FedEx	brian.hedberg, anne.bechdolt,	slunsford@fedex.com
JetBlue	robert.land@jetblue.com	reese.davidson@jetblue.com
Miami Air	cbarco@miamiair.com	
Republic	robert.cohn@hoganlovells.com	patrick.rizzi@hoganlovells.com
Silver	alex.alvarez@silverairways.com	
Southwest	leslie.abbott@wnco.com	
Spirit	jyoung@yklaw.com	dkirstein@yklaw.com
Sun Country	eric.levenhagen@suncountry.com	
United	dan.weiss, steve.morrissey@united.com	amna.arshad@freshfields.com
UPS	anita.mosner@hklaw.com	dsmalls@ups.com



John R. Mietus, Jr.