

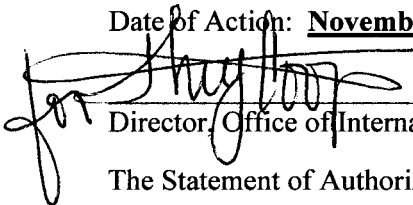


U.S. Department of  
Transportation  
Office of the Secretary  
of Transportation

**DEPARTMENT ACTION ON APPLICATION IN DOCKET OST-2004-16945**  
**Application of Compania Mexicana de Aviacion, S.A. de C.V. (Mexicana) for a Statement of**  
**Authorization under 14 C.F.R. Part 212 to permit Mexicana to display the "AA\*" code of**  
**American Airlines, Inc. (American), on Mexicana flights between**  
**Dallas/Ft. Worth, Texas, and Mexico City, Mexico<sup>1</sup>**  
**(filed October 27, 2006)**

Approved under assigned authority (14 CFR §385.13).

Date of Action: November 24, 2006

  
\_\_\_\_\_  
Director, Office of International Aviation

The Statement of Authorization granted is subject to the following conditions:

- (a) The statement of authorization will remain in effect only as long as (i) Mexicana and American continue to hold the necessary underlying authority to operate the code-share services at issue, and (ii) the code-share agreement providing for the code-share operations remains in effect.
- (b) Mexicana and American must promptly notify the Department (Office of International Aviation) if the code-share agreement providing for the code-share operations is no longer effective or if the carriers decide to cease operating all or a portion of the approved code-share services. Such notices should be filed in Docket OST-2004-16945.<sup>2</sup>
- (c) The code-sharing operations conducted under this authority must comply with 14 CFR 257 and with any amendments to the Department's regulations concerning code-share arrangements that may be adopted. Notwithstanding any provisions in the contract between the carriers, our approval here is expressly conditioned upon the requirements that the subject foreign air transportation be sold in the name of the carrier holding out such service in the computer reservation systems and elsewhere; that the carrier selling such transportation (*i.e.*, the carrier shown on the ticket) accept responsibility for the entirety of the code-share journey for all obligations established in its contract of carriage with the passenger; that the passenger liability of the operating carrier be unaffected; and that the operating carrier shall not permit the code of its U.S. code-sharing partner to be carried on any flight that enters, departs, or transits the airspace of any area for whose airspace the Federal Aviation Administration has issued a flight prohibition.
- (d) The authority granted here is specifically conditioned so that neither Mexicana nor American shall give any force or effect to any contractual provisions between themselves that are contrary to these conditions.

<sup>1</sup> Mexicana holds Mexico City-Dallas/Ft. Worth operating authority (see Order 78-6-127). American holds Dallas/Ft. Worth-Mexico City certificate authority (see Order 92-5-20).

<sup>2</sup> We expect this notification to be received within 10 days of such non-effectiveness or of such decision.

(e) We may amend, modify, or revoke the authority granted at any time without hearing at our discretion.

Persons entitled to petition the Department for review of this action under the Department's regulations, 14 CFR §385.30, should file their petitions within seven days of the date of this action. This action is effective immediately, and the filing of a petition for review will not alter its effectiveness.

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