

**BEFORE THE
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

In the matter of the Application of)	
)	
Sky King, Inc. and)	Docket OST-07-28795
Polar Express Group, LLC)	
)	
For an emergency exemption pursuant to)	
49§40109 and 14 CFR § 302.11 to engage)	
in charter air transportation between)	
points within the State of Alaska)	
)	

**DISCLAIMER OF
POLAR EXPRESS AIRWAYS, INC.**

Communications in relation to this document should be addressed to:

John Colver
Jones & Colver, LLC
1900 W. Benson Blvd.#201
Anchorage, AK
(907) 272-6511
jcolver@jonescolver.com

Hank Myers
MTC
P.O. Box 7341
Bellevue, WA 98008-1341
(425)-641-8243
hank@mtcworld.com

September 10, 2007

**BEFORE THE
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

)	
In the matter of the Application of)	
)	
Sky King, Inc. and)	Docket OST-07-28795
Polar Express Group, LLC)	
)	
For an emergency exemption pursuant to)	
49§40109 and 14 CFR § 302.11 to engage)	
in charter air transportation between)	
points within the State of Alaska)	
)	

**DISCLAIMER OF
POLAR EXPRESS AIRWAYS, INC.**

Polar Express Airways, Inc. (Polar Express) is an F.A.A. certificated commercial air carrier having been properly registered with the State of Alaska and operating since 1994. Polar Express hereby disclaims any relationship to or involvement with “Polar Express Group, LLC” or Sky King, Inc.

Polar Express is protected by Alaska law and federal regulation from unfair and deceptive business practices from organizations operating under similar or confusing business names. As has been noted in previous C.A.B. and D.O.T. decisions concerning business names, the public generally shortens or abbreviates the full legal name of the business, and similar shortened names can be confusing. The public is unlikely to distinguish between Polar Express Airways, Inc. and Polar Express Group, LLC when arranging for commercial air transportation.

Increasing the possibility of confusion from name similarity is that Polar Express Airways, Inc. is owned and operated by Donald Olson. Mr. Olson is the Alaska State Senator representing the entire North Slope including all of the destinations proposed for service by the group requesting exemption from the Department's regulations. Senator Olson has long been associated with commercial aviation in northern Alaska. His father, Martin Olson formed Olson Air Service with bases in Golovin and Nome, and Senator Olson took over operation of the carrier after the death of his younger brother, David Olson. Senator Olson spends his summers between legislative sessions flying helicopters to herd reindeer, and pursues his other commercial aviation interests. While Senator Olson is familiar with some of the principals of Polar Express Group, LLC, and has tried to support the Polar Express Group, LLC in achieving the desired additional service, Senator Olson is not associated with the group in any way and the issue of their unauthorized use of the business name "Polar Express" has not been resolved.

This Disclaimer and clarification of the role of Senator Olson is further necessitated by the fact that Senator Olson believes that there is a need for competitive passenger and freight service in Boeing 737 sized aircraft, and has gone on record in support of the request for exemption in this docket. The district that Senator Olson represents includes the entire north slope and northwestern Alaska, an area about the size of Montana. On behalf of his constituents, Senator Olson supports additional jet aircraft service of the type proposed in this docket. Senator Olson is concerned about potential misunderstanding of his role with Polar Express Group, LLC, and his dual role as both

State Senator for the involved points, and as the legal owner of the business name under which the enterprise proposes to operate.

Polar Express objects to the use of any business name used in commercial aviation in Alaska which includes the phrase "Polar Express", and gives formal notice that it intends to vigorously protect its business name.

Respectfully submitted,

Polar Express Airways, Inc.

_____/S/_____
By John Colver, its Attorney

September 10, 2007

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the Disclaimer of Polar Express Airways, Inc. on all parties listed on the service list of the Answer of Alaska Airlines filed August 15, 2007.

_____/S/_____
Elizabeth Steele
September 10, 2007