



UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
WASHINGTON, D.C.

Issued by the Department of Transportation on March 17, 2008

**NOTICE OF ACTION TAKEN -- DOCKET DOT-OST-2008-0073**

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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).

Applicant: **AIR ONE, S.p.A. (AIR ONE)**

Date Filed: February 25, 2008<sup>1</sup>

Relief requested: Exemption authority under 49 USC §40109 to engage in scheduled foreign air transportation of persons, property, and mail (1) between Milan, Italy (Malpensa Airport) and Boston, Massachusetts; and (2) between Milan, Italy (Malpensa Airport) and Chicago, Illinois.<sup>2 3</sup>

If renewal, date and citation of last actions: New authority

Applicant representative: Mark Atwood, 202-463-2513

DOT analyst: Thuy H. Cooper, 202-366-5423

Responsive pleadings: None

**DISPOSITION**

Action: Approved (subject to conditions, see below).

Action date: March 17, 2008

Effective date of exemption authority granted: March 17, 2008, through March 17, 2010.

Basis for approval (bilateral agreement/reciprocity): The authority is provided for in the U.S.-Italy Air Transport Agreement and, effective March 30, 2008, the U.S.-EU Air Transport Agreement.

Except to the extent exempted/waived, this authority is subject to the terms, conditions, and limitations indicated:  
X Standard exemption conditions (attached)

Remarks: The FAA has advised us that it knows of no reason why the Department should act unfavorably on the application of Air One.

**Action taken by: Paul L. Gretch, Director  
Office of International Aviation**

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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) the applicant was qualified to perform its proposed operations; (3) grant of the authority was consistent with the public interest; and (4) 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 Dockets. We may amend, modify, or revoke the authority granted in this Notice at any time without hearing at our discretion.

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<sup>1</sup> On March 10, 2008, the carrier submitted revised financial data.

<sup>2</sup> Air One states that the Milan-Boston service will commence on June 14, 2008, and the Milan-Chicago service will commence on June 21, 2008. The carrier further states that continuing service to points within the United States will be offered beyond Boston through US Airways, Inc. (expanded code-share application to be filed) and beyond Chicago through United Air Lines Inc. (*see* Notice of Action Taken, dated March 14, 2008, in Docket DOT-OST-2008-0001), both Air One code-share partners.

<sup>3</sup> Air One states that it will serve from/to Malpensa Airport. *See* Appendix B, Application of Air One for a Foreign Air Carrier Permit in Docket DOT-OST-2008-0072.

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>

**Foreign Carrier Exemption Conditions**

In the conduct of the operations authorized, the foreign carrier applicant(s) shall:

- (1) Not conduct any operations unless it holds a currently effective authorization from its homeland for such operations, and it has filed a copy of such authorization with the Department;
- (2) 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, 14 CFR Parts 129, 91, and 36 and 49 CFR Part 1546 or 1550, as applicable. To assure compliance with all applicable U.S. Government requirements concerning security, the holder shall, before commencing any new service (including charter flights) from a foreign airport that would be the holder's last point of departure for the United States, contact its International Industry Representative (IIR) (formerly referred to as International Principal Security Inspector) to advise the IIR 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;
- (3) Comply with the requirements for minimum insurance coverage contained in 14 CFR Part 205, and, prior to the commencement of any operations under this authority, file evidence of such coverage, in the form of a completed OST Form 6411, with the Federal Aviation Administration's Program Management Branch (AFS-260), Flight Standards Service (any changes to, or termination of, insurance also shall be filed with that office);
- (4) Not operate aircraft under this authority unless it complies with operational safety requirements at least equivalent to Annex 6 of the Chicago Convention;
- (5) Conform to the airworthiness and airman competency requirements of its Government for international air services;
- (6) Except as specifically exempted or otherwise provided for in a Department Order, comply with the requirements of 14 CFR Part 203, concerning waiver of Warsaw Convention liability limits and defenses;
- (7) Agree that operations under this authority constitute a waiver of sovereign immunity, for the purposes of 28 U.S.C. 1605(a), but only with respect to those actions or proceedings instituted against it in any court or other tribunal in the United States that are: (a) based on its operations in international air transportation that, according to the contract of carriage, include a point in the United States as a point of origin, point of destination, or agreed stopping place, or for which the contract of carriage was purchased in the United States; or (b) based on a claim under any international agreement or treaty cognizable in any court or other tribunal of the United States. In this condition, the term "international air transportation" means "international transportation" as defined by the Warsaw Convention, except that all States shall be considered to be High Contracting Parties for the purpose of this definition;
- (8) Except as specifically authorized by the Department, originate or terminate all flights to/from the United States in its homeland;
- (9) Comply with the requirements of 14 CFR Part 217, concerning the reporting of scheduled, nonscheduled, and charter data;
- (10) If charter operations are authorized, except as otherwise provided in the applicable aviation agreement, comply with the Department's rules governing charters (including 14 CFR Parts 212 and 380); and
- (11) Comply with such other reasonable terms, conditions, and limitations required by the public interest as may be prescribed by the Department, with all applicable orders or regulations of other U.S. agencies and courts, and with all applicable laws of the United States.

This authority shall not be effective during any period when the holder is not in compliance with the conditions imposed above. Moreover, this authority cannot be sold or otherwise transferred without explicit Department approval under Title 49 of the U.S. Code.