March 26, 1993

Scott H. Clark, Esq.
400 Deseret Building
79 South Main Street P.O. Box 45385
Salt Lake City, UT 84145-0385

Dear Mr. Clark:

This is in response to your letter of March 3, 1993, which seeks a clarification of my October 29, 1992, letter to Jon S. Gorski, Esq., representing First Security Bank (FSB).

In my earlier letter, I stated that I did not believe, based upon facts provided to me at that time, that FSBs carriage of another financial institution's documents for compensation, in an aircraft, could be conducted under Part 91 of the Federal Aviation Regulations.

You have now provided me with additional information. The new information is that FSB offers, as part of its financial services business, a number of "wholesale" financial services, including the processing of checks, drafts, and credit charges for other banks. As an integral part of that business, it transports processed and unprocessed materials from one destination to another. One of the most important aspects is the time-sensitive handling of such materials, you state.

The documents in question are bundled checks and data from West One Bank, destined for delivery to its offices in Boise, Idaho, which have been gathered by FSB incident to its contract with West One Bank to process its transit checks and present such checks to the drawee banks.

In a telephone conversation with me on this date, you indicated that the air transportation element of the processing cost represents approximately 4-9% of the total processing cost.

Based upon this information, I have concluded that the transportation of these financial documents is within the scope of and incidental to FSB's wholesale processing business and, therefore, that (1) the company aircraft could be used in such operations under the provisions of Section 91.501(b)(1) of the Federal Aviation Regulations and (2) that the cost-sharing formula of Section 91.501(d) could be used to share expenses of the operation.

Sincerely,

George L. Thompson
Assistant Chief Counsel