U.S. Department
of Transportation
Federal Aviation Administration

Office of the Chief Counsel

**800 Independence Ave., S.W.
Washington, D.C. 20591**

JUL 24 2013

Robert Ceravolo, President
Tropic Ocean Airways Inc
1170 Lee Wagener Boulevard, Suite 118
Fort Lauderdale, FL 33315

Dear Mr. Ceravolo:

This letter is in response to your request for a legal interpretation concerning a part 135 operator conducting public charter flights under 14 CFR § 380.[1]

Specifically, you letter posed two questions to our office:

1. "Confirm that a part 135 (non-commuter) carrier can fly an unlimited number of public charter flights under the DOT 380 authorization provided they adhere to the DOT's restriction of four flights per week in each market or city-pairing (unless receiving commuter economic authority from the DOT)."

2. "Confirm that the indirect carrier (Public Charter Operator) and the direct carrier (Part 135), if they are two separate companies, can be both owned by the same individual or organization without regard to 'similar' company names."

Question 1:

Your statement is correct. An on-demand operation includes any "passenger-carrying operation conducted as a public charter under part 380 of this chapter..." *See* 14 CFR § 110.2 So long as the direct air carrier conducts these flights as public charter flights under part 380, the FAA does not impose a limit to the number of flights that may be conducted.

However, the FAA reiterates that a registered air taxi conducting public charter flights without a commuter authorization from the DOT is limited to four round trips weekly between each city pair. Any operator that wishes to conduct more than four round trips per week must first obtain a commuter air carrier authorization from DOT. Additionally, air taxi operators or commuter air carriers conducting public charter flights must also comply with specific economic regulations as well. *See* 14 CFR § 298.38.

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[1] Part 380 is a Department of Transportation (DOT) regulation that requires public charter operators to abide by certain consumer protection requirements.

Question 2:

Yes, the public charter operator and the direct air carrier can be owned by the same individual or organization. Additionally, the public charter operator and the direct air carrier can be the same company. *See* 14 CFR § 212.7 Direct sales.

We appreciate your patience and trust that the above responds to your concerns. This response was prepared by Nancy Sanchez, an attorney in the Regulations Division of the Office of the Chief Counsel, and was coordinated with the Air Transportation Division of Flight Standards Service and the office of the Assistant General Counsel for Aviation and Enforcement at the Department of Transportation. Please contact us at (202) 267-3073 if we can be of further assistance.

Sincerely,

Mark W. Bury
Acting Assistant Chief Counsel for
International Law, Legislation, and Regulations
AGC-200