



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

Issued by the Department of Transportation
on the day of December, 2015

Application of

KRIS KRINGLE d/b/a SANTA CLAUS

for special operating authority to serve various rooftop
markets

DOCKET DOT-OST-2012

ORDER

Summary

By application dated November 1, 2015, Kris Kringle d/b/a Santa Claus ("Santa") requests authorization pursuant to the Transportation Code (49 USC § 41101) to engage in air transportation to various points throughout the United States on the night of December 24-25, 2015.

Background

The applicant generally asserts that he performs a vital and specialized transportation service. In support of the application, the applicant requests that the Department consider the following:

1. The applicant is a citizen of the World, residing at the North Pole. As such, the applicant may be considered a foreign aircraft operator. However, the applicant points out that his work, which is peaceful in nature, should be foreign to no one.
2. The applicant anticipates using a miniature sleigh to be powered by eight tiny reindeer, with the exception of a possible ninth reindeer with a special air navigation warning light in its nose, in the event of fog or heavy snow.
3. The equipment to be operated has not been officially certified by the FAA or any foreign government. However, the applicant states that it has operated for centuries without any accident and is air worthy.
4. The applicant will operate on one night only, December 24-25, 2015.

5. The points to be served are the dwelling places of good girls and boys, as well as adults of goodwill, throughout the United States. Concurrently, similar operations are to be conducted worldwide on that same date. The applicant notes that his operating proposal will bring goodwill to countless small communities and will also serve the major transportation hubs in all regions.
6. The applicant wishes to engage in "air transportation." That is, the applicant intends to deliver cargo of all sizes and shapes to be carried in a sack-like container. The applicant does not intend to take on persons or property at any point in the United States.
7. No one has contested the applicant's fitness to perform this service. In fact, one Mr. Clement Clarke Moore asked to be made a party to this investigation particularly for the purpose of attesting to the applicant's fitness. Mr. Moore, a noted scholar of Mr. Kris Kringle, says the applicant is "a right jolly old elf." Moreover, the applicant's obvious robust health, skill, and popularity lead unquestionably to the conclusion that he is uniquely suited (red, with fur collar and black boots) to perform this service.
8. The applicant admits that there will be some noise exposure associated with landing and takeoffs, primarily a clattering of hooves. However, that exposure will be limited almost exclusively to rooftops. The applicant is not aware of any complaints having been filed in response to this noise, and he maintains, therefore, that the proposed operations will not have any significant adverse environmental impact. Indeed, the applicant anticipates operations will significantly enhance the quality of the global environment.
9. Mr. Kringle states that he is punctual. He claims to have a 100 percent on-time arrival record, having never failed to deliver all of his toys by Christmas morning.
10. Santa also disclosed that he has had some help with the arduous task of delivering packages, everywhere, to everyone, at one time. He describes that in recent years, at least in the better part of the last century, he has been greatly assisted by the results of the wonderful invention by the two brothers from Dayton, Ohio, Messrs. Wilbur and Orville Wright, who about a hundred years ago constructed a flying machine, now refined and operating with capabilities almost as good as Rudolph, which is Santa's lead reindeer.
11. Finally, the applicant, aware of our heightened security concerns, states that while he has not personally packed all his bags and has not had all of them in his sights from the beginning, he can vouch for his trusted elves who lovingly prepared the contents, carefully handled the packing, and have done so for centuries without incident. Santa also says that he does not have a sky marshal aboard but will ask Rudolph to stay especially alert.

Given the totality of the circumstances, the Department has decided to grant the applicant's request. While there is a question as to whether the proposed activities do in fact require our authorization, in that the aircraft used and the commodities carried are extremely specialized and the duration of the operation extremely short, it nevertheless appears that the scope of the applicant's operations are so broad and the variety of commodities carried so great, that such operations constitute common carriage and authorization is prudent and warmly offered.