



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

Issued by the Department of Transportation on April 22, 1998

NOTICE OF ACTION TAKEN -- DOCKET OST 98-3655

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).

Application of **DHL AIRWAYS, INC.**, filed **3/20/98** for:

XX Exemption for two years for authority under 49 U.S.C. 40109 to provide the following service:

Scheduled foreign air transportation of property and mail between the coterminal points Cincinnati, Ohio, and Austin, Texas, on the one hand, and the coterminal points Mexico City, Guadalajara, and Monterrey, Mexico, on the other hand. DHL also requests authority to integrate this authority with its existing certificate on Route 725 in order to provide service on a Cincinnati-Austin-Guadalajara routing.

Applicant rep: **R. Tenney Johnson (202) 663-9030** DOT Analyst: **Linda L. Lundell (202) 366-2336**

DISPOSITION

XX **Granted Exemption for Austin-Guadalajara Services (See Remarks)**

XX **Dismissed Cincinnati Portion of Request and Integration Request, as Moot (See Remarks)**

XX **Dismissed Balance, Without Prejudice (See Remarks)**

The above action was effective when taken: **April 16, 1998,** through **April 16, 2000,** or until 90 days after final Department action on a corresponding certificate application, whichever occurs earlier.

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

XX **The authority granted is consistent with the aviation agreement between the United States and Mexico.**

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:

XX **Holder's certificate of public convenience and necessity**

XX **Standard Exemption Conditions (attached)**

Special Conditions/Remarks: **The U.S.-Mexico exemption authority granted is subject to the dormancy notice requirements set forth in condition 7 of Appendix A of Order 88-10-2.**

Dismissals: DHL already holds certificate authority to provide all-cargo services between the terminal point Cincinnati, and the coterminal points Mexico City, Monterrey, and Guadalajara, Mexico (Rt. 725). Therefore, that portion of the application was dismissed, as moot.

With respect to the requested Austin-Mexico routes, DHL provided a service proposal only for the Austin-Guadalajara market. Consistent with our policy with respect to U.S.-Mexico licensing procedures, we have granted DHL exemption authority only in the Austin-Guadalajara market, where it has presented firm plans to serve. We have dismissed the request for Austin-Mexico City/Monterrey authority, without prejudice to the carrier's refile for the authority at a later date.

DHL has also requested integration authority to combine the authority in DHL's Route 725 with the exemption authority granted here. DHL's integration request is moot. U.S.-Mexico certificates already contain a standard provision that

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affords certificate holders the flexibility to combine services on all segments of the certificate, and to combine services on the certificate with U.S.-Mexico all-cargo services authorized by other Department of Transportation certificates or exemptions (DHL's Route 725, Condition 9(a)).

On the basis of data officially noticeable under Rule 24(n) of the Department's regulations, we found the applicant qualified to provide the services authorized.

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) immediate action was required and was consistent with Department policy; (2) grant of the exemption was consistent with the public interest; and (3) 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 Docket. We may amend, modify, or revoke the authority granted in this Notice at any time without hearing at our discretion.

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 ten (10) 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://dms.dot.gov/general/orders/aviation.html>.*