



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

Issued by the Department of Transportation on June 4, 1999

NOTICE OF ACTION TAKEN – DOCKET OST-99-5615

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: AEROVIAS de MEXICO, S.A. de C.V.

Date Filed: April 30, 1999

Relief requested: Exemption from 49 USC section 41301 to permit the applicant to conduct scheduled, combination service between Guadalajara, Mexico, and Atlanta, Georgia.

If renewal, date of last action: New authority.

Applicant representative(s): William C. Evans, 202-371-6030.

Responsive pleadings: None

DISPOSITION

Action: Approved.

Action date: June 4, 1999

Effective dates of authority granted: June 4, 1999, through June 4, 2000.

Basis for approval: United States-Mexico Air Transport Services Agreement of August 15, 1960, as amended and extended (Agreement).

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

Standard exemption conditions

Foreign air carrier permit conditions

Special conditions/Partial grant/Denial basis/Remarks: Aeromexico proposes to conduct this service by placing its code on flights to be operated by Delta Air Lines. Although there were no objections filed to Aeromexico's request for the underlying authority in this market (which Aeromexico is entitled to serve under the U.S.-Mexico Agreement), there were comments filed by carriers concerning the code-share proposal. The Aeromexico/Delta code-share proposal is being handled in a separate proceeding, and the Department is issuing an order on that case today (Order 99-6-6).

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

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) 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/deferred/dismissed, 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.

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