



UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, DC

Issued by the Department of Transportation on December 13, 2000

NOTICE OF ACTION TAKEN -- DOCKET OST-2000-8375

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 Federal Express Corporation filed 11/21/00 for:

XX Allocation of one additional weekly U.S.-Thailand all-cargo frequency to perform the following service:

Scheduled foreign air transportation of property and mail between a point or points in the United States, and a point or point in Thailand. Federal Express intends to operate this frequency over an Indianapolis-Paris-Frankfurt-Bangkok-Subic Bay routing.

Federal Express stated that it does not believe that imposition of the Department's standard 90-day dormancy condition is necessary or appropriate for the frequency at issue, but stated that it would not object to the imposition of the 90-day dormancy condition if the Department deems it appropriate.

Northwest filed an answer to Federal Express' application stating that it did not oppose Federal Express' request for the additional frequency; however, Northwest does object to Federal Express' request that the Department not impose the standard 90-day dormancy condition.

Applicant rep: Nathaniel P. Breed, Jr. (202) 663-8078 DOT Analyst: Sylvia Moore (202) 366-6519

DISPOSITION

XX Granted, award of one frequency (subject to conditions, see below)

XX Balance (omission of dormancy condition) dismissed

The frequency allocation was effective when taken: **December 13, 2000**, and will remain in effect, provided that Federal Express continues to hold the necessary underlying authority to serve the U.S.-Thailand market.

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

XX The authority granted is consistent with the aviation agreements between the United States and Thailand, the United States and France, the United States and Germany, and the United States and the Philippines.

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated: **XX Holder's certificates of public convenience and necessity**

(See Reverse Side)

Conditions: Consistent with our standard practice, the frequency allocation granted is subject to the condition that it will expire automatically and the frequency will revert to the Department for reallocation if it is not used for a period of 90 days. The 90-day dormancy period will begin January 7, 2001, (the date on which Federal Express proposes to commence service), or the date on which Federal Express actually begins service with this frequency, whichever occurs earlier.

Dismissal: We dismissed that portion of Federal Express' application to the extent it requested omission of the 90-day dormancy condition. The purpose of the standard dormancy condition, with its automatic termination provision, is to ensure that the Department will be able to exercise fully its powers to reallocate frequencies that are not being used and, thus, to ensure that we will be able to make full use of our rights under our bilateral aviation agreements with foreign countries. Federal Express has presented no reason why we should deviate from that practice in this case.¹

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) our action was consistent with Department policy; and (2) grant of the authority was consistent with the public interest. To the extent not granted or 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.

*An electronic version of this document is available on the World Wide Web at:
http://dms.dot.gov/reports/reports_aviation.asp*

¹ As indicated above, we note that Federal Express has said that it will not object to our imposition of the standard dormancy condition.