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BEFORE THE  
DEPARTMENT OF TRANSPORTATION  
WASHINGTON, D.C.

DEPT. OF TRANSPORTATION  
DOCKET SECTION

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Application of

THAI AIRWAYS INTERNATIONAL  
PUBLIC COMPANY LIMITED

for renewal of an exemption pursuant  
to Section 416(b) of the Federal  
Aviation Act of 1958, as amended  
(Bangkok-Seoul-Los Angeles)

Docket 47501

OST-95-338-1

APPLICATION OF  
THAI AIRWAYS INTERNATIONAL PUBLIC COMPANY LIMITED  
FOR RENEWAL OF AN EXEMPTION

Communications with respect to this document should be served upon:

Mark C. Bisnow  
Counsel to Thai Airways International  
Public Company Limited  
2717 Chesapeake St., NW  
Washington, DC 20008  
Tel. 202-966-1200

Date: July 21, 1995

Any person may support or oppose this Application by filing an answer with the Docket Section of the United States Department of Transportation on or before August 7, 1995, and serving such Answer upon Thai Airways International Public Company Limited and all persons served with the Application.

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**Docket 47501**

**APPLICATION OF  
THAI AIRWAYS INTERNATIONAL PUBLIC COMPANY LIMITED  
FOR RENEWAL OF AN EXEMPTION**

Pursuant to Section 416 of the Federal Aviation Act of 1958, as amended (the "Act"), Thai Airways International Public Company Limited ("THAI") hereby applies for renewal of an exemption from Section 402 of the Act and any applicable Economic Regulations of the Department of Transportation ("DOT") to the extent necessary to permit THAI to continue to offer scheduled foreign air transportation of persons, property and mail between Bangkok, Thailand, and Los Angeles, California, via Seoul, Korea, with full traffic rights between Seoul and Los Angeles.

The exemption was most recently granted by Order 95-2-39, at a maximum of four weekly roundtrip operations, for a period of 179 days, between the period February 28, 1995, and August 25, 1995.

In support of this Application, THAI states as follows:

1. THAI commenced scheduled Bangkok-Seoul-Los Angeles services on or about July 1, 1991. THAI serves this route four times a week using 747-400 aircraft configured with approximately 18 first class seats, 62 business class seats, and 325 economy seats.

2. An exemption for this service was granted by Order 91-9-26, issued September 13, 1991, for a one-year period beginning May 10, 1991, and renewed July 6, 1992, by oral notice for a one-year period until July 6, 1993, recently confirmed by Order 95-2-21.

3. THAI timely invoked the Administrative Procedure Act prior to the latter expiration. On September 8, 1993 (by Order 93-9-8); on February 28, 1994 (by Order 94-2-47); on August 30, 1994 (by Order 94-8-5 1); and on February 17, 1995 (by Order 95-2-39), DOT granted renewed authority for 179 days. By Order 93-10-46, DOT approved an increase **from** three to four in the number of weekly frequencies THAI may operate on the route.

4. THAI holds a foreign air carrier permit which authorizes it to provide scheduled foreign air transportation between

the terminal point Bangkok, Thailand via the international points Tokyo, Japan, and Seattle, Washington, and the coterminal points Los Angeles, California and one additional point in the United States.

(Order 80-9-74.) THAI's permit and related exemption authority remain in force through previous invocation of the automatic extension provision of the Administrative Procedure Act. THAI also holds an exemption which authorizes it to provide scheduled foreign air transportation on a Bangkok-Taipei-Seattle-Toronto routing. THAI's exemption was first issued in 1988, was renewed for a two-year period commencing on February 21, 1989 (Order 89-11-32), and was renewed most recently through the automatic extension provision of the Administrative Procedure Act. THAI also holds an exemption permitting it to provide scheduled foreign air transportation on a Bangkok-Manila-Guam routing (Order 92-2-37), renewed in February, 1993, through the automatic extension provision of the Administrative Procedures Act. However, none of the routes described in this paragraph are currently served.

5. DOT has repeatedly found that THAI is fit, willing, and able to provide the scheduled foreign air transportation described above. Nothing has occurred since the relevant Orders were issued that would alter the basis on which DOT made its findings.

6. Although the Air Transport Agreement between the Government of the United States and the Government of the Kingdom of Thailand is no longer in force, THAI submits that principles of comity and reciprocity fully justify granting the requested authority. Air transport services between the United States and Thailand have continued without disruption.

7. In addition, THAI has reduced its overall weekly frequencies in the U.S. market to only the four covered under this exemption from as many as ten weekly frequencies in

the recent past. At this time, several U.S. carriers offer a wide range of passenger and cargo services to Thailand, operating far more frequencies between the two countries than does THAI.

8. THAI would invoke the automatic extension provision under the Administrative Procedure Act except that, since the duration of the authority at issue is for a period of fewer than 180 days, DOT holds that it is not a license with reference to an activity of a continuing nature and therefore not subject to automatic extension.


9. THAI strongly requests renewal authority for at least one year. Renewal for only a 179-day period potentially subjects authority to termination in the course of THAI's announced schedule and, as such, threatens disruption in its service with serious consequences to U.S. as well as foreign travellers.

10. Furthermore, the current series of 179-day extensions can only be considered punitive in light of the much more common grant of longer periods of authority to other carriers. While it is true that the U.S.-Thailand bilateral situation is currently unsettled as a matter of formal agreement, in practice it is quite stable and THAI has been cooperative.

11. Therefore, THAI submits that the renewal of its exemption authority as described above would further the public interest, preventing disruption in its service and inconvenience to persons traveling between the U.S. and Thailand, and that principles of comity and reciprocity warrant such renewal.

12. Wherefore, THAI respectfully requests renewal of its exemption authority for at least one year and any other relief that the DOT may deem necessary or appropriate in the public interest.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'MB', followed by a long horizontal flourish.

Mark C. Bisnow, Esq.  
2717 Chesapeake St., NW  
Washington, DC 20008

Counsel for  
THAI AIRWAYS INTERNATIONAL  
PUBLIC COMPANY LIMITED

Date: July21, 1995

**CERTIFICATE OF SERVICE**

I **certify** that I have on this date served a copy of the foregoing Application of Thai Airways International Public Company Limited on all persons named on the attached Service List by causing a copy to be sent to them via first class mail.

A handwritten signature in black ink, appearing to read 'Mark C. Bisnow', with a long horizontal flourish extending to the right.

Mark C. Bisnow

Date: July 21, 1995

### Service List

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