

BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.

Application of :
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 :
 EMERY WORLDWIDE AIRLINES, INC. : Docket OST-01-
 :
 for an exemption pursuant to 49 U.S.C. § 40109 :
 (Dayton-Guadalajara) :
 :

APPLICATION OF
EMERY WORLDWIDE AIRLINES, INC.
FOR AN EXEMPTION

Communications with respect to this document should be addressed to:

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May 16, 2001

NOTICE: Answers supporting or opposing this application are due on or before May 31, 2001. Emery Air is requesting expedited consideration and will poll the airline parties served and advise the Department of the results shortly.

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Pursuant to 49 U.S.C. § 40109(c) and Rule 302 of the Department’s Rules of Practice, Emery Worldwide Airlines, Inc. (“Emery Air”) applies for an exemption from 49 U.S.C. § 41101 to the extent necessary to permit it to provide scheduled foreign air transportation of property and mail between Dayton and Guadalajara and to combine that authority with Emery Air’s certificate and exemption authority. Emery Air plans to begin scheduled Dayton-Guadalajara service on May 26, 2001, and asks that its application be considered on an expedited basis. Emery Air asks that the exemption become effective immediately and remain in effect for at least two years.

Emery Air states as follows in support of this application:

1. Emery Air plans to operate five scheduled flights per week between Dayton and Guadalajara with DC-8 aircraft starting May 26, 2001. Emery Air is requesting immediate approval of this application so it can begin operating its Dayton-Guadalajara service on this date.

2. Emery Air's proposed Dayton-Guadalajara service is fully consistent with the U.S.-Mexico bilateral aviation agreement. Emery Air is one of five U.S. carriers designated to provide scheduled all-cargo service between the U.S. and Mexico. No other U.S. carrier is currently authorized under the U.S.-Mexico bilateral aviation agreement to conduct scheduled all-cargo services between Dayton and Guadalajara.¹

3. Granting Emery Air's application will serve the public interest. Emery Air will be the only U.S. carrier providing scheduled nonstop all-cargo or combination service between Dayton and Guadalajara. Emery Air's service will satisfy shipper demand for all-cargo service in the Dayton-Guadalajara market and allow Emery Air to integrate its Dayton-Guadalajara service with its other Mexico service.

¹ Emery Air previously held Dayton-Guadalajara certificate authority on Route 743 and notified the Department that the route was dormant by letter to the Department dated October 26, 2000. However, Emery Air has been notified by the Department that its designation for Dayton-Guadalajara is still in force.

4. Emery Air holds various certificates of public convenience and necessity authorizing it to engage in scheduled air transportation of property and mail, including Dayton-Mexico City and Laredo-Monterrey service, and is clearly fit, willing and able to provide the proposed all-cargo service. (See, e.g., Orders 2001-4-5, 99-12-18, 97-4-27, 95-6-26 and 89-12-45)

5. WHEREFORE, Emery Air asks that it be granted Dayton-Guadalajara exemption authority on an expedited basis so Emery Air may begin scheduled Dayton-Guadalajara operations on May 26, 2001, that it receive authority to combine its Dayton-Guadalajara exemption with Emery Air's certificate and exemption authority and that the authority remain in effect for at least two years. Emery Air is polling the airline parties named on the attached service list and will advise the Department of the results shortly.

Respectfully submitted,

CROWELL & MORING LLP

/s/ Lorraine B. Halloway

Lorraine B. Halloway
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Counsel for
Emery Worldwide Airlines, Inc.

May 16, 2001

CERTIFICATE OF SERVICE

I certify that I have this date served a copy of the foregoing document upon the following persons in accordance with the Department's Rules of Practice:

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