

BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.

Application of)
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)
ATLAS AIR, INC.)
) DOCKET OST-99- 6413
for an exemption from the provisions)
of 49 U.S.C. § 41 101, and for allocation of)
frequencies (U.S.- South Africa)
and beyond scheduled cargo service))

APPLICATION OF ATLAS AIR, INC.
FOR WAIVER OF DORMANCY PERIOD

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DATED: February 28, 2000

BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.

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Application of)	
)	
ATLAS AIR, INC.)	
)	DOCKET OST-99-6413
for an exemption from the provisions)	February 28, 2000
of 49 U.S.C. § 41101, and for allocation of)	
frequencies (U.S.- South Africa)	
and beyond scheduled cargo service))	
-----)	

APPLICATION OF ATLAS AIR, INC.
FOR WAIVER OF DORMANCY PERIOD

Atlas Air, Inc. ("Atlas") respectfully requests a waiver of the 90-day dormancy condition applicable to the two U.S.-South Africa all-cargo frequencies allocated to it by Notice of Action Taken dated December 1, 1999 ("NOAT") in the above-captioned docket. Atlas now anticipates a start-up date for the service of not sooner than July 15, 2000. Accordingly, Atlas requests that the waiver extend through that date, thereby extending the date on which the frequencies, if not used, would expire and revert to the Department) until October 13, 2000. Atlas requests that the Department grant the waiver expeditiously, since the frequencies otherwise would revert to the Department on February 29, 2000, and is polling the carriers on the attached service list. In support of its request, Atlas states as follows:

1. By the NOAT the Department granted Atlas: (1) exemption authority to conduct scheduled foreign air transportation of property and mail between points in the U.S. and points in Egypt, Kenya, Spain, Zimbabwe and South Africa and to integrate this authority

with other, existing authority; and (2) two U.S.-South Africa all-cargo frequencies. The Department imposed its standard condition on the frequency allocation such that the allocation “will expire automatically and the frequencies will revert to the Department for reallocation if they are not used for a period of 90 days.” Because Atlas did not identify a specific startup date, the 90-day dormancy period began on December 1, 1999, the date of the NOAT.

2. Atlas based its application for an exemption and frequency allocation on traffic flows that it anticipated would support its initial, proposed service with two, weekly, B747-200F or B747-400F round-trips between the U.S. and South Africa. One round-trip was proposed over a Chicago-Detroit-Birmingham-Luxembourg-Cairo-Johannesburg-Harare-Nairobi-Cairo-Luxembourg-Detroit routing and the other over a Detroit-Birmingham-Luxembourg-Cairo-Johannesburg-Vitoria-Luxembourg-Detroit routing. Since the time of the application Atlas has concluded that the original customer base it anticipated could not support this service.

3. Atlas now is actively engaged in discussions for potential traffic that Atlas believes would sustain twice-weekly service. It believes that it will be in a position to commence service on or about July 15, 2000. Accordingly, the same public interest factors that supported the original application remain true today. Further, it is in the public interest that the two weekly frequencies remain with Atlas, since Atlas will then be able to commence service promptly when it obtains requisite authority in other countries.

4. No other U.S. carrier should be adversely affected by the requested waiver. Atlas’s application for the frequencies was not opposed, and there have been no applications

for U.S.-South Africa all-cargo frequencies since the NOAT. A total of nine all-cargo frequencies currently are provided for U.S. carriers under the U.S.-South Africa bilateral, and four remain unallocated.

WHEREFORE, Atlas Air, Inc. respectfully requests that the Department grant the waiver described herein of the 90-day dormancy condition and such other and different relief as may be in the public interest.

Respectfully submitted,

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DATED: February 28, 2000

CERTIFICATE OF SERVICE

I hereby certify that I have this 28th day of February, 2000 served a copy of the foregoing Application of Atlas Air, Inc. for an Waiver of Dormancy Period by facsimile upon the following persons:

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