

**BEFORE THE
U.S. DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.**

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| Application of |) | |
| |) | |
| FLORIDA WEST INTERNATIONAL AIRWAYS, INC. |) | Docket OST-00-_____ |
| |) | |
| for a Certificate of Public Convenience and Necessity Pursuant to 49 U.S.C 41102 (U.S.-Colombia) |) | |
| |) | |

**APPLICATION OF
FLORIDA WEST INTERNATIONAL AIRWAYS, INC.
FOR A CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY**

Communications with respect to this application should be addressed to:

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Counsel for Florida West
International Airways, Inc.

DATED: March 27, 2000

NOTICE: Florida West International Airways, Inc. requests that this application be processed under Subpart Q expedited procedures. Any person desiring to file and answer in support of or in opposition to this application may do so by filing such answer or opposition with the Department's Docket Section on or before April 24, 2000.

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**APPLICATION OF
FLORIDA WEST INTERNATIONAL AIRWAYS, INC.
FOR A CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY**

Pursuant to 49 U.S.C. 41102 and Part 201 and Subpart Q of DOT Regulations, Florida West International Airways, Inc. (“FWIA”) hereby requests issuance of a new certificate of public convenience and necessity, or an amendment to its existing international certificate, authorizing FWIA to engage in scheduled foreign air transportation of property and mail between any point or points in the United States, via intermediate points, in both directions, to a point or points in Colombia, and beyond Colombia to points in the Western Hemisphere. FWIA also requests authority to integrate this certificate authority with all services FWIA is otherwise authorized to conduct pursuant to its exemption and certificate authority and consistent with applicable agreements between the U.S. and foreign countries.

FWIA’s request for authority to serve Colombia is based upon the Memorandum of Consultations agreed to on an *ad referendum* basis by the United States and Colombia on March 15,

2000.¹ The MOC provides for unlimited designations and frequencies for U.S. cargo carriers, which may serve points in both countries via intermediate and beyond to points in the Western. FWIA will utilize DC-8-71 or other suitable aircraft for its proposed operations. Operations utilizing the new authority will be comparable in stage length and equipment to those that FWIA is already conducting. Therefore, FWIA operations under the certificate requested herein would not constitute a “substantial change in operations” under Part 204 of the Department’s regulations. FWIA further asks that this application be processed under the expedited procedures of Subpart Q of the Department’s Procedural Regulations (14 C.F.R. 302.1701, et seq.). In support of this application, FWIA states as follows:

1. FWIA is a Delaware corporation in good standing whose mailing address is 7500 N.W. 25th Street, No. 237, Miami, Florida 33122. FWIA holds certificates of public convenience and necessity authorizing it to provide scheduled interstate transportation of property and mail and scheduled foreign air transportation of property and mail to a number of foreign points.² Included among these orders are certificates for Routes 599 and 712.

2. FWIA is a citizen of the United States as defined in 49 U.S.C. 40102(a)(15). Richard Haberly, a U.S. citizen, is the President of FWIA. Additionally, U.S. citizens hold 75 percent of the FWIA’s voting stock. Two-thirds of FWIA’s Board of Directors and other managing officers are U.S. citizens.

3. As DOT has determined in the above-cited orders, FWIA is fit, willing and able to provide the proposed service and to conform to the provisions of Title 49 and the rules, regulations and requirements of the Department thereunder. To the extent necessary, FWIA requests

¹ The U.S. and Colombia also agreed immediately to implement the provisions of the MOC on the basis of comity and reciprocity principles.

² See, e.g., Orders 96-8-6, 96-10-2, 97-2-19, 97-3-6, 98-1-27, 98-2-6 and 99-12-7.

the Department to take official notice pursuant to Rule 24 of the Procedural Regulations of the data on file at the Department which establishes the fitness of FWIA to operate the services at issue.

4. FWIA requests certificate authority to provide scheduled foreign air transportation of property and mail between any point or points in the United States, via intermediate points, in both directions, to a point or points in Colombia, and beyond Colombia to points in the Western Hemisphere. Broad certificate authority avoids the need to seek exemption authority each time a new market opportunity develops and enables FWIA to be responsive to the needs of its customers for increased international service. Additionally, this authority will strengthen FWIA's competitive position with respect to the U.S. and foreign air carriers that now dominate the U.S.-Colombia air cargo market. All of these factors will enable FWIA to provide more efficient and complete air cargo services to the shipping public.

5. FWIA submits that grant of the requested authority is wholly consistent with the existing bilateral transport service agreement between the United States and Colombia. The March 15, 2000, MOC between the two countries explicitly permits the type of services proposed in this application. The United States and Colombia have further agreed to implement the MOC on the basis of comity and reciprocity pending formal ratification.

6. Because of the non-controversial nature of the requested authority, FWIA respectfully requests that the Department waive compliance with the specific evidentiary requirements contained in 14 C.F.R. Sections 201.4(e), 201.4(f), as well as Sections 302.1704(a) - (b) and 302.1706 of the Department's Procedural Regulations. FWIA will, of course, provide any information the Department deems necessary to process this application.

7. Grant of this application will not result in a near-term increase in fuel consumption of ten million gallons or more. Approval will not require or result in a major regulatory action by the Department within the meaning of Section 313.4(a)(1) of the Department's regulations.

8. FWIA requests that this application be processed under the expedited procedures set forth in Subpart Q of the Department's regulations. The public interest does not require an oral evidentiary hearing (or even a traditional show cause proceeding) on this application because there are no issues of material fact. Additionally, the use of expedited non-hearing procedures will serve the public interest by making efficient use of the Department's staff and resources.

WHEREFORE, Florida West International Airways, Inc. respectfully requests that the Department of Transportation grant it the certificate authority requested herein, as well as such additional or other relief as the Department deems appropriate.

Respectfully submitted,

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Squire, Sanders & Dempsey L.L.P.
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(202) 626-6651

Counsel to Florida West International Airways, Inc

DATE: March 27, 2000

CERTIFICATE OF SERVICE

I hereby certify that one copy of the foregoing Application of Florida West International Airways, Inc. has this day been served on each of the following persons via first-class mail, postage prepaid.

Marshall S. Sinick

DATED: March 27, 2000

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