



UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.

Issued by the Department of Transportation on August 7, 2000

NOTICE OF ACTION TAKEN -- DOCKET OST-00-7609

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).

Applicant: MORNINGSTAR AIR EXPRESS INC.

Date Filed: July 3, 2000

Relief requested: Exemption from 49 USC section 41301 to permit the applicant to conduct, for a period of one year, all-cargo charter foreign air transportation, as follows: 1) between Canada and the United States; and 2) other all-cargo charter operations, to and/or from the United States, subject to 14 CFR Part 212.

If renewal, date and citation of last action: The applicant previously held such authority through November 19, 1999, in Docket OST-98-4687.

Applicant representative(s): Bill McGoey, 780-453-0218

Responsive pleadings: None

DISPOSITION

Action: Approved.

Action date: August 7, 2000

Effective date of authority granted: August 7, 2000, through August 7, 2001.

Basis for approval: United States-Canada Air Transport Agreement.

Except to the extent exempted/waived, this authority is subject to the terms, conditions, and limitations indicated:

Standard exemption conditions

Foreign air carrier permit conditions

Special Conditions/Remarks: We found that Morningstar Air Express is operationally and financially qualified to conduct the operations it proposes and that it is substantially owned and effectively controlled by citizens of Canada. In the conduct of these operations, Morningstar must adhere to all applicable provisions of the U.S.-Canada Agreement. Further, the Federal Aviation Administration had advised us that it knows of no reason to withhold this operating authority.

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

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) immediate action was required and was consistent with Department policy; (2) the applicant was qualified to perform its proposed operations; (3) grant of the authority was consistent with the public interest; and (4) grant of the authority would not constitute a major regulatory action under the Energy Policy and Conservation Act of 1975. To the extent not granted/deferred/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*