

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

In the matter of the application of	)	
	)	
COMPANIA MEXICANA DE AVIACION,	)	Docket OST-2001-11028
S.A. DE C.V.	)	
	)	
	)	
for an exemption from 49 U.S.C. 41301	)	
	)	

**APPLICATION FOR RENEWAL OF EXEMPTION**

Communications with respect to this document should be addressed to:

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de C.V.

DATED: December 12, 2002

**BEFORE THE  
DEPARTMENT OF TRANSPORTATION  
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**APPLICATION FOR RENEWAL OF EXEMPTION**

Compania Mexicana de Aviacion, S.A. de C.V. (“Mexicana”) hereby requests renewal of the exemption authority granted to it by the Department of Transportation (the “Department”) in the above-captioned docket to perform scheduled foreign air transportation of persons, property and mail between Mexico City, Mexico, and Miami, Florida, and beyond. Mexicana requests renewal of this exemption for a one-year period on its existing terms and conditions. Mexicana relies upon the provisions of the Administrative Procedures Act and Part 377 of the Department’s procedural regulations to continue its existing authorization in force pending a final decision on this renewal request.

As indicated below, all of the factors that originally led the Department to grant this exemption to Mexicana continue in existence at the present time. The bases for

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the grant of this exemption were reaffirmed in the 1991 United States-Mexico Air Transport Services Agreement. Reciprocity on the part of the Government of Mexico continues to provide additional justification for renewal of this operating authority. In further support of its request for renewal, Mexicana states as follows:

1. Mexicana holds authority in this docket to operate flights from Mexico City to Miami and beyond. Mexicana currently operates daily flights between Mexico City and Miami using Airbus A320 aircraft.

2. In 1991, the United States and Mexico signed an amendment to the Air Transport Agreement of August 15, 1960, broadening air transport services between the two countries and permitting designated Mexican carriers to operate from "Guadalajara, Huatulco, Merida, Mexico City/Toluca, and Oaxaca, to Miami, and beyond." The route covered by this application is clearly within the scope of the amendment to the Air Transport Agreement. Mexicana has been authorized and designated by the Mexican Government to provide service from Mexico City to Miami and beyond. The United States has recognized consistently that the inclusion of a point in a bilateral agreement to which the United States is a party and the designation of a foreign

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carrier by its home country government for service to that point satisfy all public interest requirements for the grant of exemption authority.<sup>1</sup>

3. Mexicana's fitness remains beyond question. Mexicana is subject to the safety and operational rules of the Government of Mexico. Mexico is a contracting party to the Convention on International Civil Aviation and observes all applicable ICAO standards.

4. This renewal application raises no environmental or energy issues. Similarly, approval of the application will not result in a near term increase in fuel consumption of ten million gallons or more.

**WHEREFORE**, Compania Mexicana de Aviacion, S.A. de C.V. ("Mexicana") respectfully requests that the exemption granted to it in the above-captioned docket be renewed for an additional one-year period on its existing terms

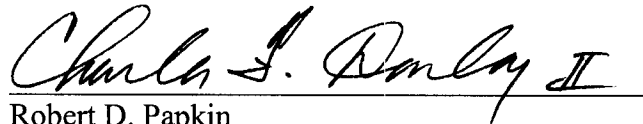
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<sup>1</sup> See, S.REP. No. 96-329, at 4 (1979), *reprinted in* 1980 U.S.C.C.A.N. 54, 57 ("The negotiation of a bilateral agreement itself represents a determination by the Government of the United States that the grant of route authority provided for under the bilateral is in the 'public interest.'").

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and conditions.

Respectfully submitted,

A handwritten signature in black ink, reading "Charles F. Donley II", is written over a horizontal line.

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