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BEFORE THE UNITED STATES  
THE DEPARTMENT OF TRANSPORTATION  
WASHINGTON, D.C.

CERTIFICATE OF EXEMPTION  
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Docket No. OST-97-2077

Application of:

**AEROSIYUSA, S.A.**

for an exemption pursuant to 49 USC 40109 (U.S./Mexico Charter Air Transportation)

**APPLICATION OF AEROSIYUSA, S.A.  
FOR RENEWAL OF EXEMPTION**

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Dated: January 23, 1998

Notice: Any person may support or oppose this application by filing an answer and serving a copy of the answer on counsel for AEROSIYUSA, S.A., and upon each person served with this application. The due date for answers is February 7, 1998.



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APPLICATION OF AEROSIYUSA, S.A.  
FOR RENEWAL OF EXEMPTION

Pursuant to 49 U. S. C. 40109 and the Department's regulations, AEROSIYUSA, S.A. (AEROSIYUSA) hereby applies for renewal of its exemption from 49 U.S.C. 40301 which authorizes AEROSIYUSA to engage in charter foreign air transportation of persons and their accompanying baggage with small aircraft between the United States and Mexico, and, subject to prior Department approval between other countries and the United States. AEROSIYUSA also requests renewal of its relief from the requirement to obtain advance approval for each Mexico-U.S. flight and stopover privileges. The Department granted the above authority to AEROSIYUSA by Notice of Action Taken dated February 14, 1997. AEROSIYUSA requests that this authority, which is scheduled to expire on February 14, 1998, be renewed for a period of at least one year.

AEROSIYUSA invokes the automatic extension provisions of the Administrative Procedure Act, 5 U. S. C. 558 (c), as implemented by 14 C.F.R. Part 377, to maintain its exemption authority in effect pending a final Department determination on this renewal application

In support of this application, AEROSIYUSA states as follows:

1:- AEROSIYUSA continues to be fit, willing and able to provide the small aircraft passenger charter services for which it requests renewed authority. The relevant circumstances under which AEROSIYUSA its initial grant of exemption authority are unchanged.

2.- AEROSIYUSA's Third and Fourth Freedom charter authority is authorized by Annex II to the U. S. - Mexico Air Transport Agreement , and is therefore presumptively in the public interest. AEROSIYUSA's Fifth Freedom charter authority is based on principles of comity and reciprocity, as is its relief from the advance approval requirement for transborder charter flights and any grant of stopover privileges. AEROSIYUSA submits that continuation of this extra -bilateral authorizations is warranted given the harmonius state of aviation relations between the U.S. and Mexico. Consequently, renewal of all elements of AEROSIYUSA's authority would be consistent with the public interest. Further, the services provided by AEROSIYUSA satisfy a continuing need and other wise serve the public interest by fostering commerce between Mexico and the United States consistent with the objectives of the North American Free Trade Agreement (NAFTA)

3.- AEROSIYUSA's renewal application is limited in scope and non-controversial. The services AEROSIYUSA proposes to operate are substantially identical to those it performed during the past year, i.e. highly personalized transport services to executives and their invitees using small business-type aircraft. AEROSIYUSA's Mexican authority to engage in transborder passenger charter services remains in full force and effect, as does its U.S. authority pursuant to its FAA Part 129 Operations Specifications.

WHEREFORE, AEROSIYUSA respectfully requests renewal of its authority to engage in charter foreign air transportation of persons and their accompanying baggage with small aircraft as set forth herein, and such other relief as may be in the public interest.

Respectfully submitted,



VICTOR MANUEL EROSA

Chairman of the board

and C.E.O.

AEROSIYUSA, S.A.

January 23, 1998