

BEFORE THE  
DEPARTMENT OF TRANSPORTATION  
WASHINGTON, D.C.

\_\_\_\_\_)  
Application of )  
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 )  
MASTER TOP LINHAS AEREAS LTDA. ) Docket OST-06-25971  
 )  
 )  
for Renewal of an Exemption from )  
49 U.S.C. § 41301 (Brazil-U.S. Cargo Charters) )  
\_\_\_\_\_)

APPLICATION OF MASTER TOP LINHAS AEREAS LTDA.  
FOR RENEWAL OF EXEMPTION AUTHORITY

Communications with respect to this  
document may be served upon:

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**NOTICE: Any person may support or oppose this application by filing an answer and serving a copy of the answer on counsel for Caribbean Airlines Limited, and upon persons served with this application no later than January 22, 2008.**

DATED: January 7, 2008

BEFORE THE  
DEPARTMENT OF TRANSPORTATION  
WASHINGTON, D.C.

_____ )	
Application of )	
)	
MASTER TOP LINHAS AEREAS LTDA. )	Docket OST-06-25971
)	January 7, 2008
for Renewal of an Exemption from )	
49 U.S.C. § 41301 (Brazil-U.S. Cargo Charters) )	
_____ )	

APPLICATION OF MASTER TOP LINHAS AEREAS LTDA.  
FOR RENEWAL OF EXEMPTION AUTHORITY

Pursuant to 49 U.S.C. 40109(c), Master Top Linhas Aereas Ltda. ("MTA") respectfully requests renewal of the exemption authority granted by Notice of Action Taken dated January 17, 2007, to engage in charter foreign air transportation of property and mail between points in the Federal Republic of Brazil and points in the United States, and other charters in accordance with 14 CFR Part 212. The exemption authority currently is set to expire January 17, 2008. By this application, MTA intends to invoke the automatic extension provisions of 5 U.S.C. § 558(c) and Part 377 of the Department's Special Regulations. The renewal is requested for one year. In support of this application, MTA states as follows:

1. MTA is a flag carrier of the Federal Republic of Brazil and currently holds exemption authority, which authorizes cargo charter service between points in Brazil and points in the U.S., and other charters in accordance with Part 212. Pursuant to its

exemption authority, MTA operates cargo charter service between Brazil and the United States, primarily Miami.

2. By this application, MTA seeks renewal of the cargo charter exemption authority granted by Notice of Action Taken, dated January 17, 2007, which currently is set to expire on January 17, 2008. MTA currently is utilizing the exemption authority to provide cargo charter service between Brazil and the U.S. The response to the service has been satisfactory and MTA wants to continue the service for another year.

3. Under the Air Transport Agreement between the Government of Brazil and the Government of the United States, a carrier designated by the Government of Brazil is entitled to operate third and fourth freedom charters between Brazil and the U.S. MTA has been designated under Annex II and it continues to hold the requisite authority from the Government of Brazil.

4. Under 49 U.S.C. 40109(c), the Department may grant or renew an exemption if it finds that such is consistent with the public interest. It is clear that the designation of a carrier by its homeland government is the most significant factor in determining whether grant of an application is in the public interest. For example, in Linea Aerea Nacional de Chile, Foreign Permit, 26 C.A.B. 604 (1958), the Civil Aeronautics Board stated as follows:

Where, as here, the applicant has shown that it holds the appropriate designation under an effective bilateral agreement to operate the route embraced by the application, the applicant has presented highly significant evidence bearing on the public Interest.

See also Application of Aerovias Venezolanas S.A., Order 86-8-88 at 3 (provision for authority in a bilateral is prima facie evidence that grant thereof is in the public interest); Aerolineas Peruanas Foreign Permit, 31 C.A.B. 181 (1960). The same findings are warranted here, where MTA has been designated for the authority sought to be renewed.

5. Given the fact that under the bilateral agreement MTA has been designated for the authority requested herein and the fact that the exemption will only be effective for one year, the request is limited in scope and should be noncontroversial.

WHEREFORE, Master Top Linhas Aereas Ltda. respectfully requests that the Department grant renewal of the exemption authority as requested herein.

Respectfully submitted,



John R. Mietus, Jr.

William C. Evans

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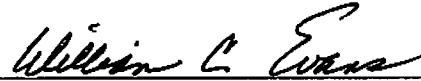
bill@mietuslaw.com

Counsel for Master Top Linhas Aereas Ltda.

DATED: January 7, 2008

CERTIFICATE OF SERVICE

I hereby certify that I have this 7th day of January, 2008 caused a copy of the foregoing Application of Master Top Linhas Aereas Ltda. to be served by electronic mail upon those persons on the attached list.

A handwritten signature in cursive script, reading "William C. Evans", is written above a horizontal line.

William C. Evans

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