

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

Application of:)	
)	
TRANSPORTES AEREOS MERCANTILES)	
PANAMERICANOS, S.A. (TAMPA))	Docket OST-99-_____
)	
for an Exemption from 49 U.S.C. § 40109)	
(Colombia-Valencia-Miami/ All Cargo))	
)	
)	

**APPLICATION OF TRANSPORTES
AEREOS MERCANTILES PANAMERICANOS, S.A.
FOR AN EXEMPTION**

Communications with respect to this application should be sent to:

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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 the applicant and on all persons listed in the Certificate of Service attached to this application. All answers are due on or before December 17, 1999.

December 2, 1999

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AEREOS MERCANTILES PANAMERICANOS, S.A.
FOR AN EXEMPTION**

Pursuant to 49 U.S.C. § 40109 and Subpart D of the Department's Procedural Regulations, Transportes Aereos Mercantiles Panamericanos, S.A. (TAMPA) hereby applies for an exemption to authorize it to engage in foreign scheduled air transportation of property and mail between a point or points in Colombia on the one hand, and Miami, Florida, on the other hand, via Valencia, Venezuela. TAMPA requests that this exemption authority be granted for a period of at least one year.

In support of its application, TAMPA states as follows:

1. TAMPA is a Colombian all cargo foreign air carrier authorized to serve the U.S. – Colombia market via Order 81-4-94. While Tampa has been serving the United States for almost two decades, its recent expansion plans have been substantially delayed by the Category II safety

status assigned to Colombia by the FAA. The FAA has returned Colombia to Category I status (See FAA Press Release dated November 30, 1999) and, as a result of this action, TAMPA now seeks to implement its long-pending plans to add Valencia, Venezuela as an intermediate point for its Colombia-Miami cargo flights.

2. The U.S. – Colombia Air Transport Agreement provides for service between Miami and Colombia via intermediate points. TAMPA holds exemption authority to serve Caracas, Venezuela, and as such the proposed service to is to a country already authorized to TAMPA.

3. Tampa has been serving the Caracas market as an intermediate point for its Colombia-Miami service for several years and has strong commercial and economic ties with Venezuela shippers.

4. Substantial comity and reciprocity exists in the U.S. - Colombia market. Over the years, the Colombian government has authorized several U.S. carriers to operate fifth-freedom flights between the U.S. and Colombia, via intermediate points - - including points in Venezuela. In fact, it is the Colombian carriers that have been at a distinct disadvantage with other carriers in this country-pair market due to the FAA's Category II restrictions. Grant of this authority to TAMPA will provide a more competitive operating environment for TAMPA, a carrier that has waited several years for the opportunity to expand its U.S. operations, and to compete more effectively with U.S. carriers and foreign carriers that have rapidly increased their operations in this market during the period in which Colombia was in Category II status.

5. TAMPA notes that the overwhelming majority of its scheduled and charter flights in recent years have been third and fourth freedom charter flights between the United States and Colombia, with few – if any – fifth freedom charters. Tampa's primary focus remains the

Colombia - U.S. market. It's proposed service involving Valencia as an intermediate point will only strengthen its ongoing Colombia-Miami operations and enable TAMPA to better compete with other carriers serving the highly competitive Colombia-U.S. market.

WHEREFORE, for the foregoing reasons, TAMPA respectfully requests that the Department grant it an exemption for a period of one year to enable it to provide scheduled foreign air transportation of property and mail between a point or points in Colombia, on the one hand, and Miami, Florida, on the other hand, via Valencia, Venezuela, as more fully described herein.

Respectfully submitted,

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John E. Gillick

 /s/ Joshua I. Romanow
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December 2, 1999

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was sent via facsimile this 2nd day of December, 1999 to the following persons:

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