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OFFICE OF REGISTRATION
Docket

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

2003 JUL 31 P 2:32

Application of :
:
MORNINGSTAR AIR EXPRESS INC. :
:
for an exemption pursuant to :
49 U.S.C. section 40109 :

Docket No. OST-2000-7609 - 7

APPLICATION FOR RENEWAL OF EXEMPTION
FILED BY MORNINGSTAR AIR EXPRESS INC.

Communications with respect
to this document should be
sent to:

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July 22, 2003

Any person may support or oppose this application by filing an answer and serving a copy of that answer on Morningstar Air Express Inc. and upon each person served with this application within 15 days of application.

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Application of :
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Docket No. OST-00-7609

APPLICATION FOR RENEWAL OF EXEMPTION
FILED BY MORNINGSTAR AIR EXPRESS INC.

Pursuant to 49 U.S.C. 40109 and the Department's regulations, Morningstar Air Express Inc. hereby applies for renewal of its exemption from 49 U.S.C. 40109 which authorizes Morningstar Air Express Inc. to engage in all-cargo charter foreign air transportation between Canada and the United States and other all-cargo charter operations to and/or from the United States, subject to 14 CFR Part 212. The Department granted the above authority to Morningstar Air Express Inc. by Notice of Action Taken dated August 22, 2002. Morningstar Air Express Inc. requests that this authority, which is scheduled to expire on August 23, 2003, be renewed for a period of at least one year.

Morningstar Air Express Inc. 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 of this renewal application.

In support of this application, Morningstar Air Express Inc. states as follows:

1. Morningstar Air Express Inc. continues to be fit, willing and able to provide the all-cargo charter foreign air transportation between Canada and the United States and other all-cargo charter operations to and/or from the United States, for which it requests renewed authority. The relevant circumstances under which Morningstar Air Express Inc. received its initial grant of exemption authority are unchanged.
2. Morningstar Air Express Inc.'s Third and Fourth Freedom charter authority is authorized by the U.S.-Canada Air Transport Agreement, and is therefore presumptively in the public interest. Morningstar Air Express Inc.'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. Morningstar Air Express Inc. submits that continuation of these extra-bilateral authorizations is warranted given the harmonious state of aviation relations between United States and Canada. In addition, the services provided by Morningstar Air Express Inc. satisfy a continuing need and otherwise serve the public interest by fostering commerce between Canada and the United States consistent with the objectives of the North American Free Trade Agreement (NAFTA). Consequently, renewal of all elements of Morningstar Air Express Inc.'s authority would be consistent with the public interest.
3. Morningstar Air Express Inc.'s renewal application is limited in scope and non-controversial. The services Morningstar Air Express Inc. proposes to operate are substantially identical to those it performed during the past year. Morningstar Air Express Inc.'s Canadian authority to engage in all-cargo transborder charter services remains in full force and effect, as does its U.S. authority pursuant to its FAA Part 129 Operations Specifications.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing application of Morningstar Air Express Inc. was this 6th day of June, 2002, served upon all U.S. carrier representatives (via Facsimile) listed on the attached Service List.



Bill McGoey, General Manager

Date: July 22, 2003
