

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

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Application of)	
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AEROLINEAS MEXICANAS J.S.,)	Docket No. OST-96-1840
S.A. de C.V.)	
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)	
for an exemption pursuant to)	
49 U.S.C. 40109 (U.S./Mexico)	
Charter Air Transportation))	
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APPLICATION OF
AEROLINEAS MEXICANAS J.S., S.A. de C.V.

FOR RENEWAL OF EXEMPTION
December 22, 2003

Pursuant to 49 U.S.C. §40109 and Subpart D of the Department's Rules of Practice in Proceedings, Aerolneas Mexicanas J.S., S.A. de C.V. hereby applies for renewal of its exemption from 49 U.S.C. §41301, which authorizes Aerolneas Mexicanas J.S. to engage in charter foreign air transportation of passengers between Mexico and the United States, and other passenger charter operations in accordance with 14 C.F.R. Part 212, using small aircraft. Aerolneas Mexicanas J.S. also requests renewal of its stopover privileges and continued relief from the requirement to provide advance notice of each flight, or series of flights, between Mexico and the United States.

The Department granted the above authority to Aerolineas Mexicanas J.S. pursuant to a Notice of Action Taken dated January 8, 2003. Aerolineas Mexicanas J.S. requests that the Department renew this authority, which is scheduled to expire January 12, 2004, for a period of at least two years.

Aerolineas Mexicanas J.S. 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, Aerolineas Mexicanas J.S. states as follows:

1. Aerolineas Mexicanas J.S. continues to be financially fit, and is willing and able to provide charter foreign air transportation of passengers using small aircraft. Aerolineas Mexicanas J.S. reports that there have been no changes in the company's corporate address, ownership, key personnel, aircraft, or aircraft liability insurance coverage within the past year. Aerolineas Mexicanas J.S. hereby validates and resubmits by reference information previously submitted by Aerolineas Mexicanas J.S. in DOT Docket OST-96-1840.

2. Aerolineas Mexicanas J.S.' Mexican authority to engage in transborder passenger charter services remains in full force and effect, as does its U.S. authority pursuant to the company's Part 129 Operations Specifications from the Federal Aviation Administration (FAA).^{1/}

3. Aerolineas Mexicanas J.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. The Department's grant to Aerolineas Mexicanas J.S. of stopover privileges and relief from the advance notice requirement for Mexico-U.S. transborder charter flights are based on principles of comity and reciprocity and on public interest grounds since Aerolineas Mexicanas J.S. will be conducting its charter operations solely with small aircraft.

Aerolineas Mexicanas J.S. submits that continuation of these extra-bilateral authorizations is warranted given the harmonious state of aviation relations between Mexico and the United States. In addition, the services provided by Aerolineas Mexicanas J.S. satisfy a continuing commercial need. They foster business activities and economic opportunities between Mexico and the United States and

^{1/} Aerolineas Mexicanas J.S. has held Part 129 Operations Specifications from the FAA since December 17, 1996.

thereby further the objectives of the North American Free Trade Agreement (NAFTA). Therefore, renewal of all elements of Aerolineas Mexicanas J.S.' authority would be in the public interest.

4. Aerolineas Mexicanas J.S.' renewal application is limited in scope and is non-controversial. Aerolineas Mexicanas J.S.' proposed air transportation services are unchanged from those it performed between Mexico and the United States during the past year, *i.e.*, customized transport services for executives and their guests using small aircraft.

WHEREFORE, Aerolineas Mexicanas J.S., S.A. de C.V. respectfully requests renewal of its authority to engage in charter foreign air transportation of passengers between Mexico and the United States using small aircraft, as set forth herein, and such other relief as may be in the public interest.

Respectfully submitted,

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Counsel for
Aerolineas Mexicanas J.S., S.A. de C.V.

December 22, 2003

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing application of Aerolineas Mexicanas J.S., S.A. de C.V. was served upon all parties named on the following Service List via e-mail, facsimile, or first-class mail, postage prepaid, this 22nd day of December 2003.

Maura Moreno

December 22, 2003

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