

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

Application of )  
 )  
 US AIRWAYS, INC. )  
 )  
 for an exemption )  
 pursuant to 49 U.S.C. § 40109 )  
 (United States – Japan and beyond) )  
 )

Docket OST-2003-14304

**APPLICATION OF US AIRWAYS, INC.  
FOR RENEWAL OF AN EXEMPTION  
(United States – Japan and beyond)**

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November 27, 2007

BEFORE THE  
U.S. DEPARTMENT OF TRANSPORTATION  
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Application of	)	
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US AIRWAYS, INC.	)	
	)	Docket OST-2003-14304
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**APPLICATION OF US AIRWAYS, INC.  
FOR RENEWAL OF AN EXEMPTION  
(United States – Japan and beyond)**

Pursuant to 49 U.S.C. § 40109 and Subpart C of the Department’s Rules of Practice (14 C.F.R. Part 302), US Airways, Inc. (“US Airways”) applies for renewal of its exemption authority to engage in scheduled foreign air transportation of persons, property, and mail between a point or points in the United States, on the one hand, and a point or points in Japan, and points beyond, on the other.

In support of this renewal application, US Airways respectfully states as follows:

1. US Airways is a Delaware corporation with its principal office at 111 West Rio Salado Parkway, Tempe, Arizona 85281.
2. US Airways is a citizen of the United States within the meaning of 49 U.S.C. § 40102(a)(15)(C) and is fit, willing, and able to provide the services contemplated by this renewal application. US Airways holds various certificates of public convenience and exemption authorities. (See, e.g., DOT Order 2007-4-20, April 18, 2007, Dockets OST-2005-22228 and OST-2005-22578 (Blanket Open-Skies Route Authority); Notice of Action Taken, June 27, 2006, Docket OST-98-3333 (Charlotte,

North Carolina – London(Gatwick), England.) Pursuant to Rule 24 of the Department's Rules of Practice, US Airways requests that the Department take official notice of all information previously filed to establish US Airways' fitness.

3. By Notice of Action Taken (January 26, 2006), the Department granted US Airways a two-year exemption from 49 U.S.C. § 41101 to engage in "[s]cheduled foreign air transportation of persons, property, and mail between a point or points in the United States and a point or points in Japan, and beyond." (Docket OST-2003-14304.)

4. US Airways currently provides scheduled air service between the United States and Japan, and points beyond, pursuant to a code-share relationship with United Airlines. (See *id*; see also Notice of Action Taken, January 29, 2004, Docket OST-2003-16569.) Renewal of US Airways' exemption will enable US Airways to continue developing its presence in Asia. Moreover, it will enhance competition for the benefit of United States consumers and shippers.

5. The Department has previously determined that the exemption authority sought in this renewal application is consistent with the March 18, 1998, aviation agreement between the United States and Japan. (See Notice of Action Taken, January 26, 2006, Docket OST-2003-14304.) This request is also consistent with the September 11-14, 2007, Record of Discussions between the United States and Japan.

6. Pursuant to 14 C.F.R. § 377.10, US Airways intends to rely on the Administrative Procedure Act, 5 U.S.C. § 558(c), as implemented by Part 377, to continue in effect its current exemption pending a final determination on this renewal application. US Airways' current exemption for United States – Japan and beyond is

effective through January 26, 2008. Accordingly, this renewal application is timely filed under the provisions of Part 377.

WHEREFORE, US Airways respectfully requests that the Department renew its exemption authority to engage in scheduled foreign air transportation of persons, property, and mail between a point or points in the United States, on the one hand, and a point or points in Japan, and points beyond, on the other, as discussed herein.

Respectfully submitted,



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November 27, 2007

## CERTIFICATE OF SERVICE

I certify that, on November 27, 2007, I caused to be served a copy of the foregoing Application by email upon those addressees listed below:

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