

BEFORE THE  
DEPARTMENT OF TRANSPORTATION  
WASHINGTON, D.C.

Application of  
POLAR AIR CARGO, INC.

Docket OST-98-3692

For an amendment to its Certificate of Public  
Convenience and Necessity for Route 651 under  
49 U.S.C. Section 41102 (foreign all-cargo service)

Application of  
UNITED PARCEL SERVICE CO.

Docket OST-98-3955

For an Amendment of Its Certificate of Public Conven-  
ience and Necessity For Route 557 Pursuant to 49  
U.S.C. 41102 (Foreign All-Cargo Air Transportation)

Application of  
FEDERAL EXPRESS CORPORATION

Docket OST-98-4010

For issuance of a new certificate of public  
convenience and necessity pursuant to 49 U.S.C.  
§ 41102 (Foreign All-Cargo Air Transportation)

Application of  
EMERY WORLDWIDE AIRLINES, INC.

Docket OST-98-4046

for amendment of certificate authority pursuant to  
49 U.S.C. § 41102 (foreign all-cargo air transportation)

Application of  
FINE AIR SERVICES, INC.

Docket OST-98-4076

for a Certificate of Public Convenience and Necessity  
authorizing scheduled services for which Fine Air  
currently holds exemption authority

CONSOLIDATED ANSWER OF GEMINI AIR CARGO, INC. and  
MOTION FOR LEAVE TO FILE AN OTHERWISE UNAUTHORIZED DOCUMENT

Communications concerning this document

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DEPARTMENT OF TRANSPORTATION  
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Application of POLAR AIR CARGO, INC.  For an amendment to its Certificate of Public Convenience and Necessity for Route 651 under 49 U.S.C. Section 41102 (foreign all-cargo service)	Docket OST-98-3692
Application of UNITED PARCEL SERVICE CO.  For an Amendment of Its Certificate of Public Convenience and Necessity For Route 557 Pursuant to 49 U.S.C. 41102 (Foreign All-Cargo Air Transportation)	Docket OST-98-3955
Application of FEDERAL EXPRESS CORPORATION  For issuance of a new certificate of public convenience and necessity pursuant to 49 U.S.C. § 41102 (Foreign All-Cargo Air Transportation)	Docket OST-98-4010
Application of EMERY WORLDWIDE AIRLINES, INC.  for amendment of certificate authority pursuant to 49 U.S.C. § 41102 (foreign all-cargo air transportation)	Docket OST-98-4046
Application of FINE AIR SERVICES, INC.  for a Certificate of Public Convenience and Necessity authorizing scheduled services for which Fine Air currently holds exemption authority	Docket OST-98-4076

CONSOLIDATED ANSWER OF GEMINI AIR CARGO, INC. and

MOTION FOR LEAVE TO FILE AN OTHERWISE UNAUTHORIZED DOCUMENT

In the above captioned applications, Polar Air Cargo, United Parcel Service, Federal Express, Emery Worldwide Airlines, and Fine Air Services, respectively, have sought issuance of new or amended Certificates of Public Convenience and Necessity seeking authority to

perform scheduled foreign air transportation of property and mail between the United States and the foreign nations that each carrier listed in its application. On July 8, 1998, Gemini Air Cargo, Inc. filed a similar application in Docket OST-98-4032 for a Certificate of Public Convenience to provide scheduled foreign air transportation of property and mail to a variety of international destinations.

The Department should grant on an expedited basis the new and amended certificates that Gemini, Polar, UPS, FedEx, Emery, and Fine Air, respectively, have requested. Gemini's support for approval of the applications of the other five carriers is subject only to the understanding that the Department will approve Gemini's application as well. As each applicant has stated in its application, granting expanded international scheduled cargo authority for U.S. cargo carriers to serve countries with which the United States has favorable aviation relations will maximize the operating flexibility of each airline and benefit the public by facilitating international commerce. Grant of the certificates requested will also greatly reduce the effort required on the part of each carrier and the Department to establish ad hoc exemption authority each time a carrier introduces scheduled cargo service to a new country.

Because the legal and policy grounds for approving these applications are the same, the Department should act on the applications concurrently and approve them promptly after the expiration of the last answer period (August 13, 1998, for the Fine Air application in Docket OST-98-4076). None of the answers that have been filed to date in the above dockets have raised any objections to the applications, and Gemini does not foresee any objections. No answers were filed to the Polar application. FedEx filed an Answer to the UPS application on July 8, 1998, in which FedEx did not object to the UPS Applications and supported "expedited and concurrent grant of both [the FedEx and the UPS] applications." (Answer of Federal Express Corporation, Docket 98-3935, p. 2). On July 10, 1998, Emery filed a Consolidated Answer supporting the UPS and FedEx applications "so long as Emery Air receives comparable expanded authority." (Consolidated Answer of Emery Worldwide Airlines, Inc. in Dockets OST-

98-3995 and OST-98-4010). Lastly, on July 27, 1998, Northwest Airlines filed a Consolidated Answer to the above-captioned applications of FedEx, Emery, and Fine Air and to the application of Gemini in Docket 98-4032. In its Consolidated Answer, Northwest supported DOT approval of all of the applications in question and indicated that Northwest would soon file a similar application of its own.

The Department has previously processed applications for expanded international scheduled cargo authority concurrently. See, for example, DOT Order 91-1-44, January 15, 1991, in which the Department granted certificates of public convenience and necessity to Amerijet, Arrow Air, Challenge, Emery, Florida West, UPS, and World "to engage in scheduled foreign air transportation of property and mail between the United States and numerous foreign countries." Id. at 1.

Formal consolidation is not necessary since, among other reasons, the applications do not seek conflicting authority and are not controverted. In the FedEx Answer to the UPS Application. FedEx stated that the Department did not need to formally consolidate the FedEx and UPS applications, but should process those two applications together. Processing applications of this nature together enables the Department to address comparable applications in an efficient manner and insures that applications seeking similar authority receive the same consideration.

Motion for Leave to File An  
Otherwise Unauthorized Document

Pursuant to DOT Rules of Practice 4(f) and 17(a), 14 C.F.R. § 302.4(f) and § 302.17(a), Gemini moves for leave to file this Consolidated Answer in the above-captioned dockets for Polar Air Cargo, Docket OST-98-3692, United Parcel Service, Docket OST-98-3955, and Federal Express, Docket OST-98-4010, since the answer period has expired for those applications. The Department should consider this Consolidated Answer with respect to all of the above-captioned applications since Gemini herein urges the Department to process all six (the

above five plus Gemini) of these similar applications together and approve them as promptly as possible. Consideration of this Consolidated Answer will not prejudice the interests of Polar, UPS, or FedEx since Gemini affirmatively supports their applications so long as the Department also approves the Gemini Application. This Consolidated Answer of Gemini is also filed before the deadline for answers to the Emery and Fine Air applications and will not therefore delay joint processing of all six applications in question.

#### CONCLUSION

For the foregoing reasons, Gemini Air Cargo supports the above-captioned applications of Polar Air Cargo, United Parcel Service, Federal Express, Emery Worldwide Airlines, and Fine Air Services, so long as the Department also grants the similar application of Gemini in Docket OST-98-4032. The Department should process the applications together and issue the certificates promptly since there is no legal or policy reason to delay approval of the authority sought.

Respectfully submitted,

GEMINI AIR CARGO, INC.

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