



**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, DC**

Issued by the Department of Transportation August 20, 2001

NOTICE OF ACTION TAKEN -- DOCKET OST-2000-7513

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Application of **Gemini Air Cargo, Inc.** filed 7/20/01 and supplemented 8/20/01 for:

XX Exemption from Order 2000-10-19; startup deadline:

By Order 2000-10-19, the Department granted Gemini Air Cargo, Inc. (a) an exemption to engage in scheduled foreign air transportation of property and mail between Miami, Florida, on the one hand, and Quito and Guayaquil, Ecuador, on the other, (b) an exemption to integrate such authority with Gemini's existing certificate and exemption authority, and (c) an allocation of three weekly frequencies (narrow-body aircraft or wide-body equivalent) for services in the United States-Ecuador market. Gemini's frequency award was subject to a 90-day startup condition as well as our standard 90-day dormancy condition. Under the award Gemini was required to begin service before January 21, 2001. On January 19, 2001, the Department granted Gemini an extension of the startup requirement through April 23, 2001, because Gemini had yet to receive an operating permit from the Ecuadorian government. On April 23, 2001, the Department granted Gemini a further extension of the startup requirement through July 22, 2001. On July 20, 2001 Gemini sought a further extension of the startup requirement through October 19, 2001, and the Department granted a limited extension through August 20, 2001, deferring on the balance of the application, pending a hearing of Gemini's application for authority from the Ecuadorian government.

In its current supplement to its application, Gemini requests a further extension beyond August 20, 2001. Gemini states that a hearing was held August 15, 2001, on its application with the Ecuador government and that Gemini received an official communique after close of business on July 17, 2001, that notified Gemini's representative in Ecuador that the National Civil Aviation Council had resolved to approve Gemini's application to operate a scheduled international air cargo service between Miami, Quito, Guayaquil and vice versa, two weekly frequencies, with wide cabin DC-10 and MD-11 aircraft, subject to submission of other documents, after the receipt of which a further notification to the company would be made. In these circumstances, Gemini requests that the Department approve the balance of the 90-day waiver (i.e. through October 19, 2001) that Gemini had requested in its July 20 application or, in the alternative, extend the existing waiver through September 20, 2001. Gemini maintains that it plans to operate the first flight to Ecuador on or about September 1, 2001. Gemini states that it will poll the parties served with the application concerning the request in this supplement.

Applicant rep.: **Moffett B. Roller (202) 331-3300** DOT analyst: **Linda Senese (202) 366-2367**
(See Reverse Side)

DISPOSITION

XX Granted in part (see remarks below)

XX Balance deferred.

The above action was effective when taken: August 20, 2001, through August 24, 2001

XX Action taken by: **Paul L. Gretch, Director**
 Office of International Aviation

Remarks: Since Gemini's current temporary waiver authority expires today, we are granting a temporary extension of that waiver through August 24, 2001, for procedural reasons to keep Gemini's authority in force until we have the opportunity to consider any comments filed and to have complete record. In the interest of all parties, however, we are shortening the answer period for this supplement to Tuesday, August 21, 2001, and will require any reply to be filed no later than Wednesday, August 22, 2001. We believe that the procedural schedule established here is in the public interest, will provide a sufficient opportunity for responsive pleadings, and properly balances the needs of all interested parties, while still enabling the Department to consider any comments filed and to have a complete record on which to act promptly on Gemini's request.

Under the authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) our action was consistent with Department policy; and (2) grant of the exemption was consistent with the public interest. To the extent not granted or deferred, we denied all requests in the referenced Docket. We may amend, modify, or revoke the action taken in this Notice at any time without hearing at our discretion.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within ten (10) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

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http://dms.dot.gov/reports/reports_aviation.asp*