

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

Request of)	
)	
)	
LONGTAIL AVIATION INTERNATIONAL)	Docket OST 2004-19978
LIMITED)	
To Renew and Amend Exemption Authority)	
Pursuant to 49 U.S.C. §41111 & 14 CFR §211.21)	
)	

**REQUEST
OF LONGTAIL AVIATION INTERNATIONAL LIMITED
TO RENEW AND AMEND EXEMPTION AUTHORITY**

Communications with respect to this document should be sent to:

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for LONGTAIL AVIATION INTERNATIONAL LIMITED

June 22, 2020

NOTICE: Any person who wishes to support or oppose this application must file an answer within 15 calendar days thereof on or before July 6, 2020. LONGTAIL AVIATION INTERNATIONAL LIMITED intends to poll on this application and will advise the Department of the results.

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To Renew and Amend Exemption Authority)	
Pursuant to 49 U.S.C. §41111 and 14 CFR §211.21))	
)	
(addition of cargo charter authority))	
)	

**REQUEST
OF LONGTAIL AVIATION INTERNATIONAL LIMITED
TO RENEW AND AMEND EXEMPTION AUTHORITY**

Pursuant to 49 U.S.C. §§ 40109 and 41111, Part 211.21 of the Department of Transportation’s economic regulations, and the Department’s rules of practice, LONGTAIL AVIATION INTERNATIONAL LIMITED (“Longtail Aviation”), a foreign air carrier of the United Kingdom Overseas Territory (“OT”) of Bermuda, hereby requests that its exemption authority be amended to authorize Longtail Aviation to perform foreign charter air transportation of persons, property, and mail (1) from points behind the territory of the United Kingdom, including the OT of Bermuda, via the territory of the United Kingdom and intermediate points to any point or points in the territory of the United States and beyond; and (2) and for all-cargo service, between the territory of the United States and any point or points; and as otherwise allowed to the full extent under the Air Transport Agreement Between The Government Of The United States Of America And The Government Of The United Kingdom of Great Britain and Northern Ireland, signed *ad referendum* on November 28, 2018 (the “UK-U.S. Open Skies Agreement”), as more fully described herein.

Longtail Aviation’s Exemption Authority was most recently issued by the Department by Notice of Action Taken (NOAT) in Docket DOT–OST-2004-19978 on April

23, 2019 for the term of one year, permitting it to conduct on-demand passenger charter operations between Bermuda and the United States, and other passenger charters in accordance with 14 CFR Part 212. Longtail Aviation's application for renewal of that authority was duly submitted on April 16, 2020, and is currently pending, with the authority continuing in effect, subject to the invoked automatic-extension provisions of the Administrative Procedure Act, 5 USC 558(c), as implemented by 14 CFR Part 377.

This amendment request further invokes the automatic-extension provisions of the Administrative Procedure Act, 5 USC 558(c), as implemented by 14 CFR Part 377, as referenced above, and incorporates herein by reference Longtail Aviation's April 16, 2020 renewal application and the evidentiary material contained therein.

Longtail Aviation's current exemption authority was last issued on April 23, 2019 consistent with the scope of the renewal application dated March 6, 2019, and is limited to on demand passenger charter operations between Bermuda and the United States, and other passenger charters in accordance with 14 CFR Part 212. See e.g., Docket OST 2004-19978.

However, Longtail Aviation has since that time acquired and included in its Part 129 Operations Specifications, a Boeing 747F aircraft, and is proposing to utilize it for cargo charter operations. Specifically Longtail Aviation plans to start operating charters carrying Covid -19 PPE cargo on its passenger and freighter aircraft, as soon as the Department permits them.

Given the urgent nature of its customer requests, Longtail Aviation requests expedited processing of this amendment to allow it to begin the proposed services as soon as possible. Specifically, Longtail Aviation plans to start operating charters carrying COVID19 PPE cargo on its Boeing 747F aircraft not later than June 30, 2020, thus contributing its cargo capacity to the ongoing relief operations to combat the COVID 19 pandemic. The authority sought herein will result in increased air transportation choices, greater service

options, and enhanced competition, thereby benefiting consumers in both the United States, United Kingdom and its OTs, and worldwide.

The amended authority requested herein is fully consistent with the bilateral undertakings between the United States and Bermuda, as set forth in the Air Transport Agreement Between The Government Of The United States Of America And The Government Of The United Kingdom of Great Britain and Northern Ireland, signed *ad referendum* on November 28, 2018 (the “UK-U.S. Open Skies Agreement”).

As required by 14 CFR §211.21, in support of its Amendment Request, Longtail Aviation hereby confirms that, except as incorporated in this Amendment Request below, there has not been any material change in the evidentiary information contained in its most recent Exemption Renewal Application, and incorporates that information herein by reference.

In addition to the referenced information, Longtail Aviation hereby submits the following information regarding its added Boeing 747-467 F aircraft:

<u>Aircraft Type & Serial No.</u>	<u>Basis of Use</u>	<u>Registration No.</u>	<u>Country of Registration</u>
B747-467F (SN 27503)	Leased	VQ-BWS	Bermuda

LESSOR	REGISTERED ADDRESS	State of Registration
AQUILINE INTERNATIONAL CORPORATION LIMITED	VISTRA CORPORATE SERVICES CENTRE GROUND FLOOR NPF BUILDING, BEACH ROAD, APIA, SAMOA	Samoa

Insurance coverage maintained by Longtail Aviation for its aircraft meets the requirements of 14 C.F.R. Part 205. An executed copy of OST Form 6411 (Certificate of

Insurance) from Longtail Aviation's insurer covering its Boeing 747F aircraft is submitted to the FAA/AFS-260.

Longtail Aviation is fit, willing, and able to operate the services proposed by this request, as is evidenced by its operational history, including the history of its prior operations.

A grant of Longtail Aviation's request would not constitute a "major regulatory action" under 14 C.F.R. Part 313. Specifically, Longtail Aviation's annual fuel consumption will not exceed 10 million gallons. Thus, a grant of the permit application will not constitute a "major regulatory action" within the meaning of Section 102(2)(c) of the National Environmental Policy Act as implemented by 14 C.F.R. § 313.4. As a result, Longtail Aviation is not required to submit additional information about the energy consumption and energy efficiency consequences of its service proposal.

A grant of Longtail Aviation's instant request is in the public interest, as it will provide the much needed services in the context of the ongoing Covid-19 pandemic, and in the aviation market in general. Longtail Aviation represents a quality operation that is capable of implementing a high level of passenger and cargo charter transportation services. As such, the Department should act expeditiously in granting the authority requested herein by Longtail Aviation. As was stated above, a grant of the requested amendment is consistent with the bilateral undertakings between the United States and UK, and the United States' long-standing adherence to the principles of liberalization of the international aviation markets within the framework of Open Skies Agreements. Indeed, adding cargo capacity from an open skies country such as the United Kingdom overseas territories will reduce the need to allow emergency exemption authority in support of COVID 19 efforts from countries who do not adhere to such open market principles.

In conclusion, Longtail Aviation respectfully requests that this application be decided on the basis of written submissions pursuant to 14 C.F.R. § 302.207, and that the Department grant this application by proceeding directly to a final order as set forth in 14

C.F.R. § 302.210(a)(2). Longtail Aviation further requests expedited processing of this amendment request subject to completion of its polling with the US carrier representatives on the attached Service List.

* * * * *

WHEREFORE, Longtail Aviation respectfully requests that the Department grant this request for an amendment of a foreign air carrier permit, and an exemption, or such other or further relief as the Department determines to be appropriate and consistent with the public interest.

Respectfully submitted,



GLENN P. WICKS
Counsel for Longtail Aviation



EKATERINA A. GRIMES
Consultant for Longtail Aviation

CERTIFICATE OF SERVICE

I hereby certify that I have on this day served a copy of the foregoing document upon each of the following electronic mail addresses:

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Dated: June 22, 2020