

BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.

Application of)	
)	
)	
PERFORMANCE AIR LTD.)	DOCKET DOT-OST-2009-0139
)	
for an exemption from 49 U.S.C. § 41301)	
(Bahamas-U.S. charters))	
)	

APPLICATION OF PERFORMANCE AIR LTD.
FOR RENEWAL OF AN EXEMPTION

Communications with respect to this document should be sent to:

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Counsel for PERFORMANCE AIR
LTD.

NOTICE: Any person may support or oppose this application by filing an answer and serving a copy of the answer on counsel for Performance Air and upon persons served with this application no later than April 21, 2020.

April 6, 2020

BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.

)	
Application of)	
)	
PERFORMANCE AIR LTD.)	DOCKET DOT-OST-2009-0139
)	April 6, 2020
for an exemption from 49 U.S.C. § 41301)	
(Bahamas-U.S. charters))	
)	

APPLICATION OF PERFORMANCE AIR LTD.
FOR RENEWAL OF AN EXEMPTION

Pursuant to 49 U.S.C. § 40109(c), Performance Air Ltd. respectfully requests renewal of the above-captioned exemption, granted by Notice of Action Taken dated April 8, 2019 (the "Notice"), for an additional, two-year period. The Notice permits Performance Air to engage in charter foreign air transportation of persons, property, and mail between a point or points in the Bahamas and a point or points in the United States, and other charters pursuant to 14 CFR Part 212 of the Department's regulations, using small aircraft. Performance Air intends to invoke the automatic extension provisions of 5 U.S.C. § 558(c) and Part 377 of the Department's Special Regulations. In support of this application, Performance Air states as follows:

1. Performance Air is a Bahamian flag carrier and operates Bahamas-U.S. charter service under the above-captioned authority. It remains licensed by the Bahamian Department of Civil Aviation to perform charter air transportation.

2. Performance Air's prior authority was granted under longstanding principles of comity and reciprocity supporting Bahamas-U.S. charter operations. But now Annex I of the new, liberalized, U.S.-Bahamas Air Transport Agreement dated January 27, 2020 provides that Bahamian carriers are entitled to operate "from points behind The Bahamas via The Bahamas and intermediate points to a point or points in the United States and beyond."

3. Under 49 U.S.C. § 40109(c), the Department may grant an exemption if it finds that such a grant is consistent with the public interest. In issuing the Notice, the Department recognized that the licensing of Performance Air by its homeland government to operate charter service was sufficient under the U.S.-Bahamas aviation relationship to justify exemption authority. More recently, the Department has granted small-aircraft, Bahamas-U.S. charter authority on the strength of the new air transport agreement. *See Azure Aviation, Ltd.*, Notice of Action Taken dated Feb. 4, 2020 in Docket OST-2019-0147. Further, the public interest is clearly served by maintaining a variety of competitive air service options between Florida and the Bahamas.

WHEREFORE, Performance Air Ltd. respectfully requests that the Department renew the above-captioned exemption and grant such other relief as may be necessary or proper.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John R. Mietus, Jr.", with a stylized, cursive script.

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April 6, 2020

CERTIFICATE OF SERVICE

I hereby certify that I have, this 6th day of April, 2020, caused a copy of the foregoing Application for Renewal to be served by electronic mail on the following persons:

American: robert.wirick@aa.com, john.b.williams@aa.com
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John R. Mietus, Jr.