

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

Application of	)	
	)	
<b>ABX AIR, INC.</b>	)	Docket DOT-OST-2016-0177
	)	
for a certificate of public convenience and	)	
necessity under 49 U.S.C. § 41102 and for	)	
exemption authority under 49 U.S.C. § 40109 )	)	
(U.S.-Mexico all-cargo service)	)	
	)	

**APPLICATION OF ABX AIR, INC.  
FOR RENEWAL OF EXEMPTION**

Communications with respect to this document should be addressed to:

Robert P. Silverberg, Esq.  
SILVERBERG GOLDMAN, PLLC  
1101 30<sup>th</sup> Street, NW  
Suite 500  
Washington, DC 20007  
Tel: 202-944-3300  
E-Mail: [rsilverberg@sbgdc.com](mailto:rsilverberg@sbgdc.com)

Attorneys for  
**ABX AIR, INC.**

Dated: April 16, 2020

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FOR RENEWAL OF EXEMPTION**

Pursuant to 49 U.S.C. § 40109 and Subpart C of the Department's Rules of Practice (14 C.F.R. § 302.301 *et seq.*), ABX Air, Inc. ("ABX Air") hereby requests renewal of its exemption authority last granted by Notice of Action Taken, issued July 17, 2018, in the above-referenced Docket. The exemption authority authorizes ABX Air to engage in scheduled foreign air transportation of property and mail (a) from a point or points in the United States, via an intermediate point or points, to a point or points in Mexico, and beyond; and (b) from a point or points in Mexico to any point. The exemption authority is set to expire on July 17, 2020. ABX Air hereby makes a timely application for renewal of the exemption authority and states its intention to rely upon the automatic extension provisions of 5 U.S.C. § 558(c) and Part 377 of the Department's Special Regulations. ABX Air requests this authority be renewed for an additional period of at least two years.

In further support of this application, ABX Air respectfully submits as follows:

1. ABX Air is a Delaware corporation. ABX Air is a wholly owned subsidiary of Air Transport Services Group, Inc. It is a citizen of the United States within the meaning of the federal transportation statute, in that its officers and directors are citizens of the United States and at least 75% of its voting stock is held by U.S. citizens.

2. ABX Air possesses a Domestic All-Cargo Air Service Certificate most recently reissued by Order 89-3-30. ABX Air also holds a Certificate of Public Convenience and Necessity authorizing it to conduct operations between the United States and all current and future United States open-skies partner countries. *See* Order 2007-7-4, served July 10, 2007. In addition, ABX Air holds exemption authority to conduct scheduled all-cargo foreign air transportation between the U.S. and other foreign countries. *See, e.g.*, Notice of Action Taken, issued September 6, 2019, Docket DOT-OST-2012-0037 (U.S.-China); and Notice of Action Taken, issued July 29, 2013, Docket DOT-OST-2008-0021 (U.S.-Bolivia) (timely application for renewal filed). The carrier currently operates domestic and international cargo flights on a scheduled and charter basis.

3. As noted above, by Notice of Action Taken, issued July 17, 2018, the Department last granted ABX Air exemption authority to engage in scheduled foreign air transportation of property and mail (a) from a point or points in the United States, via an intermediate point or points, to a point or points in Mexico, and beyond; and (b) from a point or points in Mexico to any point. The exemption authority is set to expire on July 17, 2020.<sup>1</sup>

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<sup>1</sup> ABX Air's related request included in its original September 1, 2016 Application filed in this Docket for a Certificate of Public Convenience and Necessity authorizing it to serve the U.S.-Mexico market to the full extent available under the U.S.-Mexico Agreement remains pending.

4. Renewal of this authority is fully consistent with the Air Transport Agreement between the United States and Mexico signed on December 18, 2015 and entered into force on August 21, 2016. Renewal of ABX Air's U.S.-Mexico exemption authority as requested herein is also in the public interest as it will enable the carrier to provide scheduled air transportation services between the U.S. and Mexico to the benefit of the shipping public.

5. Renewal of ABX Air's exemption authority will not result in a net annual increase in fuel consumption of 10 million gallons or more, and thus this request is not a major regulatory action requiring an energy statement under 14 C.F.R. Part 313.

6. ABX Air hereby expressly relies on the provisions of 5 U.S.C. § 558(c) and Part 377 of the Department's Special Regulations to continue its exemption authority in force pending final Department action on this renewal application. This application is being filed on a timely basis in accordance with the provisions of section 377.10(c) of the DOT's Special Regulations.

WHEREFORE, ABX Air, Inc. respectfully requests that the Department renew its exemption authority to serve Mexico as last granted by Notice of Action Taken, issued July 17, 2018, in Docket DOT-OST-2016-0177, for a minimum term of at least two years, and for such further and other relief as the Department may deem appropriate.

Respectfully submitted,

SILVERBERG GOLDMAN, P.L.L.C.

Attorneys for  
**ABX AIR, INC.**

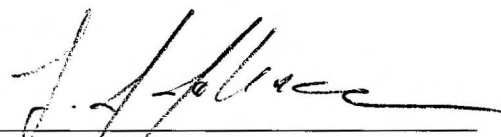
By: Robert P. Silverberg (by H-4)  
Robert P. Silverberg

Dated: April 16, 2020

Certificate of Service

I hereby certify that I have on this 16<sup>th</sup> day of April 2020 served a copy of the foregoing Application of ABX Air, Inc. for Renewal of Exemption by e-mail upon the following persons:

dan.weiss@united.com  
steve.morrissey@united.com  
amna.arshad@freshfields.com  
chris.walker@delta.com  
alex.krulic@delta.com  
steven.seiden@delta.com  
robert.wirick@aa.com  
john.b.williams@aa.com  
dderco@eckertseamans.com  
esahr@eckertseamans.com  
reese.davidson@jetblue.com  
robert.land@jetblue.com  
perkmann@cooley.com  
dheffernan@cozen.com  
jyoung@yklaw.com  
dkirstein@yklaw.com  
bob.kneisely@wnco.com  
leslie.abbott@wnco.com  
eric.levenhagen@suncountry.com  
tori.palpant@suncountry.com  
robert.cohn@hoganlovells.com  
patrick.rizzi@hoganlovells.com  
howard.diamond@flyfrontier.com  
rpommer@atlasair.com  
naveen.rao@atlasair.com  
sllunsford@fedex.com  
anne.bechdolt@fedex.com  
greg.stofko@fedex.com  
sharon.pasley@fedex.com;  
agoerlich@ggh-airlaw.com  
kevin.montgomery@polaraircargo.com  
jcanny@amerijet.com  
anita.mosner@hklaw.com  
jennifer.nowak@hklaw.com  
Benjamin.Slocum@hklaw.com  
john.s.duncan@faa.gov  
forsbergap@state.gov

  
L. Jeffrey Johnson