

BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.

Application of

UNITED PARCEL SERVICE CO.

for Renewal of Exemption
from 49 U.S.C. § 40109

(U.S. - Ecuador)

Docket DOT-OST-2017-0039

**APPLICATION OF UNITED PARCEL SERVICE CO.
FOR RENEWAL OF EXEMPTION**

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Dated: November 23, 2020

**NOTICE: ANY PERSON MAY FILE AN ANSWER TO THIS APPLICATION.
ANSWERS MUST BE FILED IN THIS DOCKET AND SERVED UPON THE
PERSONS LISTED ABOVE, ON OR BEFORE December 4, 2020.**

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Pursuant to 49 U.S.C. § 40109 and Subpart C of the Department's Rules of Practice, United Parcel Service Co. ("UPS") hereby applies for renewal of its exemption authority to provide scheduled foreign air transportation of property and mail between the United States and Ecuador, to the fullest extent permitted by the United States-Ecuador Air Transport Agreement ("U.S.-Ecuador Agreement").¹

In support of this Application, UPS submits the following:

1. By Notice of Action Taken dated February 22, 2019, the Department granted UPS an exemption under 49 U.S.C. § 40109 which permits UPS to provide "[s]cheduled foreign air transportation of property and mail (1) from points in the United

¹ Air Transport Agreement between the Government of the United States of America and the Government of the Republic of Ecuador (Sep. 26, 1986), as amended by the Protocol to Modify the Annexes to the Air Transport Agreement between the Government of the United States of America and the Government of the Republic of Ecuador (Jul. 21, 2010).

States, via intermediate points, to a point or points in Ecuador and beyond; and (2) from Ecuador to any point or points.”² This authority is set to expire on February 22, 2021.

2. UPS currently provides the service authorized by its exemption and has done so since the Department initially granted the exemption.³ The same factors which warranted the grant of the original exemption remain applicable and warrant the grant of this renewal. UPS holds various certificates of public convenience and necessity issued by the Department authorizing UPS to engage in domestic and foreign all-cargo air transportation.⁴ As such, DOT has determined on numerous occasions that UPS is fit, willing and able to provide the proposed service and to conform to the provisions of the Federal Aviation Act and the rules, regulations and requirements of the Department thereunder.

3. The authority remains consistent with the underlying U.S.-Ecuador Agreement.⁵

4. UPS requests that the exemption authority continue for two years from the Department's final grant of the renewed authority requested herein, or as the Department otherwise determines to be appropriate.

5. In accordance with Section 377.10(c) of the Department's rules, this renewal application is timely filed more than 60 days prior to the expiration date of the authority at issue. UPS intends to rely upon the Administrative Procedure Act, specifically, 5 U.S.C. 558(c), which provides that UPS's existing exemption shall not expire until the

² Notice of Action Taken (Feb. 22, 2019), Docket DOT-OST-2017-0039.

³ See Notice of Action Taken (Apr. 5, 2017), Docket DOT-OST-2017-0039.

⁴ See, e.g., Order 2020-10-11 (Oct. 21, 2020); Order No. 2002-7-31 (Jul. 25, 2002), Order No. 2001-1-6 (Jan. 10, 2001); Order No 98-6-22 (June 25, 1998).

⁵ The U.S.-Ecuador Agreement Annex I expired on June 30, 2019, but has been currently extended through June 30, 2021 and negotiations are ongoing.

instant Application has been finally determined by the Department because the existing exemption authorizes "an activity of a continuing nature" within the meaning of that provision.

WHEREFORE, United Parcel Service Co. respectfully requests that the Department grant the requested exemption renewal and any different or additional relief that the Department may deem necessary.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I have this date served the foregoing application on the persons identified below by causing a copy to be sent by electronic mail.

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November 23, 2020