

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

Application of)	
)	
)	
Tampa Cargo S.A.S. d/b/a Avianca Cargo)	DOT-OST-2020-
)	
for an exemption pursuant to 49 U.S.C § 40109)	
)	

APPLICATION OF TAMPA CARGO FOR AN EXEMPTION

Communications with respect to this document should be sent to:

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March 26, 2020

NOTICE: Any person may support or oppose this application by filing an answer and serving a copy of the answer on the applicant and all persons listed on the attached service list on or before April 10, 2020. However, the applicant seeks expedited treatment of this application and will poll.

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APPLICATION OF TAMPA CARGO FOR AN EXEMPTION

Tampa Cargo S.A.S. d/b/a Avianca Cargo (“Tampa”) pursuant to 49 U.S.C. § 40109 and Subpart C of the Department's Rules of Practice hereby applies for exemption authority authorizing Tampa to operate, *inter alia*, all-cargo services between points in the United States and any point or points. Tampa requests that its exemption be granted for a two-year period.

Tampa also respectfully seeks expedited treatment of this application. The worldwide COVID-19 (Novel Coronavirus) crisis has created an enormous demand for Tampa’s cargo services and the additional rights sought in this application will be exercised immediately.

In support of this application, Tampa states as follows:

1. Tampa, a foreign air carrier of Colombia, holds a foreign air carrier permit authorizing it to engage (i) in scheduled and charter foreign air transportation of property and mail from points behind Colombia via Colombia and intermediate points to any point or points in the United States and beyond, and (ii) other charters pursuant to Part 212. See Order 2012-11-31. Tampa has also been designated to provide the services for which authority is sought in this application.

2. On December 14, 2018, the U.S. and Colombia signed a Memorandum of Consultations (“MOC”) to amend the U.S.-Colombia Air Transport Agreement (the “Agreement”) of May 10, 2011.¹ Specifically, the parties agreed to amend Article 2, paragraph 1(c) of the Agreement to provide for seventh freedom all-cargo rights to carriers of both countries. The MOC expressed the intention of the parties to permit carriers to exercise these expanded rights on the basis of comity and reciprocity until the agreed protocol of amendment to the Agreement enters into force.

3. The public interest will be served by the grant of the authority requested herein. These expanded rights will provide Tampa with additional operational flexibility and will permit it to rapidly adjust its services to the needs of shippers in order to modernize and strengthen the aero-commercial relationship between the two countries

4. Tampa holds all necessary operating authorizations from its homeland government. Colombia is a contracting state to the Convention on International Civil Aviation.

5. Tampa's insurance coverage meets or exceeds the requirements of 14 C.F.R. Part 205. The current certificate is on file with the Department.

6. Tampa's aircraft maintenance program complies with ICAO Pilots and Airmen Annexes 1, 6 (Part 1) and 7. Colombia is a contracting state to the Convention on International Civil Aviation.

7. Tampa remains fit, willing and able to perform the foreign air transportation services described in this application. Tampa will conform with the Department's statutory provisions, rules, regulations and other requirements

¹ See <https://www.state.gov/u-s-colombia-memorandum-of-consultations-and-ad-referendum-amendment-of-december-14-2018/>.

8. Grant of the authority sought by Tampa will not constitute a major regulatory action under the Energy Policy and Conservation Act of 1975, as defined in Part 313 of the Department's Regulations.

9. Tampa intends to poll all parties served with a copy of this Application and will inform the Department of the results as soon as possible.

WHEREFORE, for the foregoing reasons, Tampa Cargo S.A.S. d/b/a Avianca Cargo respectfully requests that the Department grant the requested exemption as described more fully herein. Tampa also requests such further, different and additional relief as the Department may deem to be appropriate.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of March 2020, a copy of the foregoing application was served by email on the parties named below:

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