

# ORIGINAL

DEPT. OF TRANSPORTATION  
DOCKET LIST

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BEFORE THE  
DEPARTMENT OF TRANSPORTATION  
WASHINGTON, D.C.

CA-5513  
OST-95-752-1

Application of

SKY SERVICE F.B.O., INC.,/  
SERVICE AÉRIEN F.B.O., INC.

for Exemption from  
49 US.C. § 41301 (formerly  
Section 402 of the Federal  
Aviation Act, as amended)

Docket-OST-95-752  
(formerly Docket 49769)

APPLICATION OF  
SKY SERVICE F.B.O., Inc./SERVICE AÉRIEN F.B.O., Inc.  
FOR RENEWAL OF EXEMPTION

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October 19, 1995

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DEPARTMENT OF TRANSPORTATION  
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**APPLICATION OF  
SKY SERVICE F.B.O., Inc./SERVICE AÉRIEN F.B.O., Inc.  
FOR RENEWAL OF EXEMPTION**

Pursuant to 49 U.S.C. § 40109 (formerly § 416 of the Federal Aviation Act of 1958, as amended) and § 302.400 et seq. of DOT Regulations, Sky Service F.B.O., Inc./Service Aérien F.B.O., Inc. ("Skyservice") hereby applies for renewal of its exemption from 49 U.S.C. § 41301 (formerly § 402 of the Federal Aviation Act) to provide charter foreign air transportation of persons, property and mail between a point or points in Canada and a point or points in the United States and other charters in accordance with DOT Regulations.

The Department orally issued the exemption in question to Skyservice on October 27, 1994. Notice of Action Taken, Docket 49769. Since receiving its exemption to provide charter service to the United States, Skyservice has undertaken substantial

charter service to the United States, primarily transporting Canadian-originating passengers to Las Vegas on behalf of a Canadian charter operator. The service in question clearly satisfies a public need and otherwise serves the public interest by contributing foreign revenues to the U.S. economy.

The application of Skyservice for a foreign air carrier permit in Docket 49768, which was filed concurrently with the original exemption application on September 14, 1994, remains pending, but it continues to provide the factual basis for the renewal of the Skyservice exemption. Skyservice continues to be owned and controlled by citizens of Canada. It is duly authorized by the Government of Canada to operate the services in question and, as demonstrated by experience, is well qualified to provide charter service in the Canada-U.S. passenger charter market.<sup>1/</sup>

The U.S.-Canada Non-scheduled Bilateral continues to authorize the services which Skyservice operates, and its authority to operate Fifth Freedom charters, subject to prior DOT approval, is based upon principles of comity and reciprocity.

WHEREFORE, for the foregoing reasons, Skyservice requests renewal of its exemption to provide charter air transportation of persons, property and mail between the United States and Canada, and subject to applicable DOT regulations, between points in the United States and other points worldwide. Skyservice requests

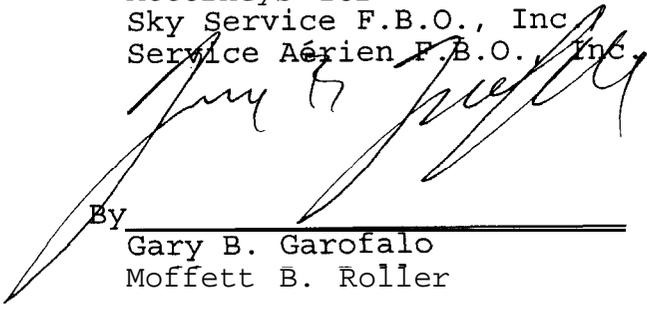
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<sup>1/</sup> Skyservice also holds appropriate operations specifications issued by the FAA under FAA Part 129

that DOT renew its exemption authority for a period of not less than one year or until ninety days after final DOT action on the application of Skyservice for a foreign air carrier permit in Docket 49768.<sup>2/</sup>

Respectfully submitted,

BOROS & GAROFALO, P.C.  
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Service Aérien F.B.O., Inc.



By \_\_\_\_\_

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Moffett B. Roller

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<sup>2/</sup> In filing this application, Sky Service relies upon the automatic extension provisions of the Administrative Procedure Act, 5 U.S.C. § 558(c), as implemented by 14 C.F.R. § 377, with respect to its current exemption issued on October 27, 1994 in Docket 49769.

**CERTIFICATE OF SERVICE**

I hereby certify that I have this 19th day of October, 1995, served by U.S. Mail a copy of the foregoing Application for an Exemption upon the following parties:

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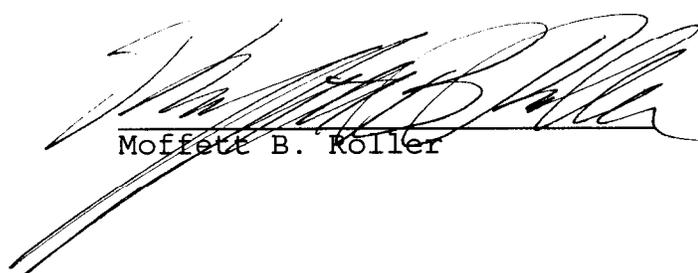
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