

BEFORE THE  
DEPARTMENT OF TRANSPORTATION  
WASHINGTON, D.C.

_____	)	
Application of	)	
	)	
AEROSHELL CIA. LTDA.	)	Docket
	)	DOT-OST-2006-25585
for an exemption from 49 U.S.C. § 41301	)	
(Ecuador-U.S. all-cargo charters)	)	
_____	)	

APPLICATION OF AEROSHELL CIA. LTDA.  
FOR RENEWAL OF EXEMPTION AUTHORITY

Communications with respect to this document should be sent to:

John R. Mietus, Jr.  
William C. Evans  
Law Office of John Mietus, LLC  
6701 Democracy Blvd., Suite 300  
Bethesda, MD 20817-7500  
(202) 747-5212  
(240) 396-5362 fax  
john@mietuslaw.com

Counsel for AEROSHELL CIA. LTDA.

NOTICE: Any person may support or oppose this application by filing an answer no later than January 22, 2009 and serving a copy of the answer on counsel for Aeroshell and upon persons served with this application.

January 7, 2009

BEFORE THE  
DEPARTMENT OF TRANSPORTATION  
WASHINGTON, D.C.

_____	)	
Application of	)	
	)	
AEROSHELL CIA. LTDA.	)	Docket
	)	DOT-OST-2006-25585
for an exemption from 49 U.S.C. § 41301	)	January 7, 2009
(Ecuador-U.S. all-cargo charters)	)	
_____	)	

APPLICATION OF AEROSHELL CIA. LTDA.  
FOR RENEWAL OF EXEMPTION AUTHORITY

Pursuant to 49 U.S.C. § 40109(c), Aeroshell Cia. Ltda. respectfully requests renewal of the exemption authority granted by Notice of Action Taken dated January 10, 2008 in the above-captioned docket, That authority, now set to expire January 10, 2009, permits Aeroshell to engage in the charter foreign air transportation of property and mail between points in Ecuador and points in the United States and other charters pursuant to Part 212 of the Department's Economic Regulations. By this application, Aeroshell intends to invoke the automatic extension provisions of 5 U.S.C. § 558(c) and Part 377 of the Department's Special Regulations. The renewal is requested for one year. In support of this application, Aeroshell states as follows:

1. The all-cargo charter authority Aeroshell received in November 2007 from the Consejo Nacional de Aviacion Civil, attached as Appendix E to Aeroshell's December 20, 2007 Amendment in this docket, remains in effect. While Aeroshell has not yet operated Ecuador-U.S. service, it remains interested in offering Ecuador-U.S. all-cargo charters. It intends to do so initially with aircraft wet-leased from a duly authorized and properly

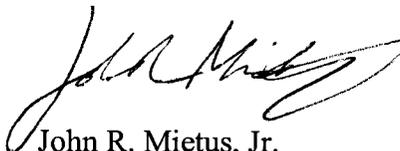
supervised U.S. or foreign air carrier and once it applies for and receives a Department statement of authorization under 14 C.F.R. § 212.9(d) for specific charter flights.

2. Annex II of the U.S.-Ecuador Air Transport Agreement, which both countries continue to apply despite its expiration, states that both countries will authorize cargo charters between Ecuador and the United States on the basis of reciprocity. Ecuador has designated Aeroshell under Annex II. Further, the Government of Ecuador has issued reciprocity statements, in respect of fifth-freedom charter operations, that have been filed as recently as December 17, 2008 in Docket DOT-OST-2006-24269. DOT also has authorized all-cargo charters by Ecuadorian carriers as recently as July 21, 2008 (authorizing Lan Ecuador charter operations).

5. Under 49 U.S.C. § 40109(c), the Department may grant or renew an exemption if it finds that such a grant is consistent with the public interest. The designation of a carrier by its homeland government is the most significant factor in determining whether grant of an application is in the public interest. *See Linea Aerea Nacional de Chile, Foreign Permit*, 26 C.A.B. 604 (1958); *Application of Aerovias Venezolanas S.A.*, Order 86-8-88 at 3; *Aerolineas Peruanas Foreign Permit*, 31 C.A.B. 181 (1960). A public interest finding is warranted here, where Aeroshell has been designated for all-cargo, charter service. Maintaining the opportunity for Aeroshell to provide service in the U.S.-Ecuador market also is consistent with the public interest because it will enhance competitive options for shippers.

WHEREFORE, Aeroshell Cia. Ltda. respectfully requests that the Department renew the exemption sought herein for an additional year and such other relief as may be necessary or appropriate.

Respectfully submitted,



John R. Mietus, Jr.  
William C. Evans  
Law Office of John Mietus, LLC  
6701 Democracy Blvd., Suite 300  
Bethesda, MD 20817-7500  
(202) 747-5212  
(240) 396-5362 fax  
john@mietuslaw.com

Counsel for AEROSHELL CIA. LTDA.

January 7, 2009

CERTIFICATE OF SERVICE

I hereby certify that I have, this 7th day of January, 2009 caused the attached Amendment of Aeroshell Cia. Ltda. for Renewal to be served by electronic mail on the persons on the attached service list.

carl.nelson@aa.com

rpommer@atlasair.com

William C. Evans  
for Centurion Air Cargo  
bill@mietuslaw.com

hkamen@coair.com

Marshall Sinick for Florida West  
msinick@ssd.com

David Vaughan for UPS  
dvaughan@kelleydrye.com

jeffrey.manley@united.com

John Richardson for Amerijet  
jrichardson@johnlrichardson.com

Pierre Murphy for Arrow Air  
pmurphy@ggh-airlaw.com

sascha.vanderbellen@delta.com  
jeff.morgan@delta.com

kevin.montgomery@polaraircargo.com  
peter.beckett@polaraircargo.com

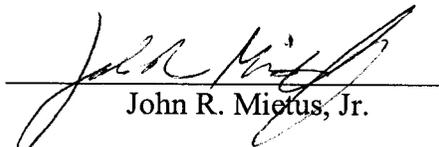
anbird@fedex.com

Mark Atwood for Custom Air Transport  
matwood@sherblackwell.com

Joanne Young for Spirit Airlines  
jyoung@yklaw.com

john.palo@evergreenairlines.com

howard\_kass@usairways.com



John R. Mietus, Jr.