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OST 2002-13089-46



**U.S. Department of  
Transportation**

Office of the Secretary  
of Transportation

Assistant Secretary

400 Seventh St., S.W.  
Washington, D.C. 20590

April 03, 2003

The Honorable Judd Gregg  
United States Senate  
Washington, DC 20510-2904

Dear Senator Gregg:

Thank you for your letter of February 10 enclosing correspondence from your constituent, Mr. James Langley, who expresses concern about the complaints filed by United Parcel Service Co. and Federal Express Corporation challenging the citizenship of DHL Airways.

The issue of DHL Airways' citizenship is currently the subject of a public proceeding before the Department in Docket OST-2002-13089. In this proceeding, we recently issued public notices requesting comments on a report from the Department's Inspector General provided to Representative Don Young, as it relates to this issue. We are now evaluating the public comments received. In addition to this proceeding, there are two third-party complaints requesting that the Department take enforcement action against DHL Airways. These complaints are in Dockets OST-2002-13590 and OST-2002-13787. Mr. Langley can access the pleadings in all of these proceedings by going to the Department's website at <http://dms.dot.gov/>, then clicking on "simple search" and then typing in the docket number.

As these are public proceedings pending before the Department, it would be inappropriate under the Department's rules for me to comment on the merits of these cases before a final agency decision has been reached. I am placing a copy of your letter and my response in Docket OST-2002-13089.

If I can provide further assistance, please feel free to contact me.

Sincerely yours,

Read C. Van de Water  
Assistant Secretary for Aviation  
and International Affairs

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DEPT. OF TRANSPORTATION  
DOCKETS

OFFICES: *424 x-4*

125 N. MAIN STREET  
CONCORD, NH 03301  
(603) 225-7115

28 WEBSTER STREET  
MANCHESTER, NH 03104  
(603) 622-7979

60 PLEASANT STREET  
BERLIN, NH 03570  
(603) 752-2604

16 PEASE BOULEVARD  
PORTSMOUTH, NH 03801  
(603) 431-2171

JUDD GREGG  
NEW HAMPSHIRE

CHIEF DEPUTY WHIP

COMMITTEES:

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AND PENSIONS

# United States Senate

WASHINGTON, DC 20510-2904  
(202) 224-3324

February 10, 2003

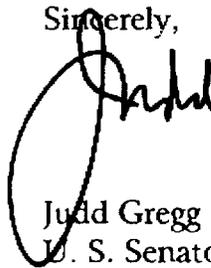
Sean O'Hollaran, Deputy Assistant Sec. For Governmental Affairs  
U.S. Department of Transportation  
Room 10408 (I-10)  
400 Seventh Street, S.W.  
Washington, DC 20590

Dear Mr. O'Hollaran:

Enclosed please find a copy of a letter from a constituent of mine, James Langley of Manchester, New Hampshire. Mr. Langley is concerned with allegations that DHL Airways ownership is not abiding by citizenship laws. Mr. Langley would like the Department of Transportation to dismiss these charges once again.

I would appreciate your consideration and attention to this matter. Thank you in advance for your prompt reply.

Sincerely,



Judd Gregg  
U. S. Senator

JG/mm  
Enclosure

**Gregg, Mailbox (Gregg)**

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**From:** J.M. Langley [jlang34@yahoo.com]  
**Sent:** Wednesday, January 08, 2003 10:59 PM  
**To:** Gregg, Mailbox (Gregg)  
**Cc:** jlang34@yahoo.com  
**Subject:** DHL Airways

Dear Senator Gregg:

I am pilot for DHL Airways and have lived in New Hampshire my entire life. I would like to bring to your attention complaints filed with the DOT by our competitors UPS and FedEx regarding our citizenship. DHL Airways is owned 55% by US citizens and 45% by foreign citizens with 75% US citizens on the Board of Directors. This is all within the legal limits of airline ownership law, however UPS and FedEx continue to file complaints with DOT. In 2001 complaints questioning our citizenship were brought to the DOT by UPS and FedEx, and the DOT completely ruled in DHL's favor. Since then nothing has changed in our ownership, yet UPS FedEx has renewed the same complaints with the DOT.

The reason they keep doing this is they would like to keep DHL out of the market. DHL is currently <1% of US market, but we are building a \$250 Million hub at the CVG airport in northern Kentucky which will double our capacity. UPS and FedEx do not want the competition.

As A life long Republican my belief is that the market will rule which companies will survey. UPS and FedEx are lobbying for legislation to change the foreign ownership laws, and to require an Administrative Law Judge to review our citizenship annually. Please do not allow this to happen.

In closing I would like to state that the people that I work with are all US citizens. The claims by our competitors exist only to hurt our business. Please urge the DOT to dismiss them once again.

If you have any questions regarding this letter please contact me.

James M. Langley  
 183 Ray St.  
 Manchester, NH 03104  
 (603)622-2836

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