



THE SECRETARY OF TRANSPORTATION  
WASHINGTON, D.C. 20590

August 15, 2008

The Honorable Ted Strickland  
Governor of Ohio  
Columbus, OH 43215-6117

Dear Governor Strickland:

Thank you for your letter of July 24 cosigned by Lt. Governor Fisher regarding Deutsche Post AG's restructuring plan for DHL Express. In that letter, you express concern over the prospect of DHL ceasing all operations at its facility in Wilmington, Ohio, if, as announced, it uses United Parcel Service to meet its U.S. domestic air transportation needs rather than the U.S. carrier that it has used in the past. You ask that the Department of Transportation investigate the proposed transaction between DHL and UPS under 49 U.S.C. §41712, which empowers us to investigate and prohibit unfair and deceptive practices and unfair methods of competition in air transportation and its sale.

While I understand your concerns over Deutsche Post AG's proposed restructuring of DHL, it is our view that this restructuring would not constitute an unfair or deceptive practice or an unfair method of competition within the meaning of 49 U.S.C. §41712. As you may know, DHL is not a U.S. direct air carrier, but an indirect air carrier holding an effective registration as a foreign air freight forwarder under 14 CFR Part 297 of our rules. The Department's regulations do not impose restrictions on a foreign air freight forwarder's choice of U.S. carrier to transport its cargo. Moreover, insofar as your concerns may involve antitrust issues, it is the Department of Justice rather than this Department that has primary jurisdiction over issues of industry competition and consolidation, and I would suggest that you direct any concerns you may have over the antitrust implications of DHL's activities to the Transportation, Energy, and Agriculture Section of the Justice Department's Antitrust Division.

I am sending an identical response to Lt. Governor Fisher. If you need any additional information, please do not hesitate to contact me.

Sincerely yours,

A handwritten signature in black ink that reads 'Mary E. Peters'.

Mary E. Peters



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Lt. Governor of Ohio  
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