

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.

Issued by the Department of Transportation
on the 4th day of January, 1991

Notice of intent of :
 :
 AMERICAN EAGLE :
 d/b/a SIMMONS AIRLINES, INC. :
 :
 to terminate service at Mattoon/ :
 Charleston, Illinois, pursuant to :
 section 419 of the Federal Aviation :
 Act of 1958, as amended :

SERVED JAN 14 1991

Docket 46775

ORDER EXTENDING SERVICE OBLIGATION

On February 6, 1990, American Eagle d/b/a Simmons Airlines, Inc., filed notice under section 419 of the Act and Part 323 of the Department's Regulations (14 CFR 323) of its intent to suspend all air service at Mattoon/Charleston, Illinois, effective May 10, 1990. Since the proposed suspension of service by Simmons would deprive Mattoon/Charleston of all of its essential air service, by Order 90-3-41, dated March 16, 1990, the Department prohibited Simmons from suspending service at Mattoon/Charleston and required the carrier to maintain service at the point for an initial 30-day period while we instituted an essential air service replacement case. As required by section 419 we extended Simmons' service obligation for additional 30-day periods. The latest extension, through January 4, 1991, was issued by Order 90-12-7.

Order 90-3-41 also requested proposals from carriers interested in providing replacement essential air service at Mattoon/Charleston. We received proposals from four carriers. By Order 90-11-37, issued November 21, 1990, the Department selected Direct Air Inc., to provide essential air service at Mattoon/Charleston and Mt. Vernon, Illinois, with subsidy. Direct Air has advised the Department that the date of start-up of its service at these communities is January 15, 1991, and that Simmons Airlines has agreed to that date for the transition.

On December 26, 1990, the Coles County Airport Authority filed a petition with the Department to prohibit the suspension of service by Simmons Airlines and to vacate the selection of Direct Air. We will issue a decision on the petition prior to the scheduled transition date. In order to insure the continuation of essential air service by Simmons Airlines at the end of the current hold-in period, in accordance with section 419(b)(5) of the Act, we will extend Simmons' obligation to maintain essential air service at Mattoon/Charleston for an additional 30-day period, through February 3, 1991. 1/

This order is issued under authority assigned in 14 CFR 385.

ACCORDINGLY,

1. The Department requires American Eagle d/b/a Simmons Airlines, Inc., to maintain essential air service at Mattoon/Charleston, Illinois, as set forth in Appendix C of Order 90-3-41, for a 30-day period, through February 3, 1991, or until a replacement carrier that is capable of providing reliable essential air service actually begins service, whichever occurs first;

2. The Department directs American Eagle d/b/a Simmons Airlines, Inc., to retain all books, records, and other source and summary documentation, including copies of interline flight coupons, to support claims for compensation for the service the carrier is required to provide at Mattoon/Charleston, Illinois, and to preserve and maintain such documentation in a manner that readily permits the audit and examination thereof by representatives of the Department; 2/ and

1/ In accordance with section 419, we will extend Simmons' obligation to continue service for successive 30-day periods, as necessary, until replacement service is actually in place. If, however, the Department decides to allow the transition, Simmons may suspend its service when service by Direct Air is actually in place.

2/ Under section 419(b)(6) of the Act, Simmons became eligible for compensation for service at Mattoon/Charleston effective May 10, 1990.

3. The Department will serve a copy of this order on the Mayors of Mattoon and Charleston, Illinois, the airport manager of the Coles County Memorial Airport, the Illinois Department of Transportation, the Governor of Illinois, American Eagle d/b/a Simmons Airlines, Inc., and Direct Air Inc.

Persons entitled to petition the Department of Transportation for review of this order under the Department's Regulations, 14 CFR 385.50, must file their petitions within 10 days after the date of service of this order.

This order will be effective immediately, and the filing of a petition for review shall not preclude such effectiveness.

By:

JOHN V. COLEMAN
Director
Office of Aviation Analysis

(SEAL)