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Order 2002-10-24

Served: October 22, 2002



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

Issued by the Department of Transportation
on the 17th day of October, 2002

Essential Air Service at
STAUNTON, VIRGINIA
Under 49 U.S.C. 41731 *et seq.*

DOCKET OST-2002-11378 - 11

ORDER EXTENDING SERVICE OBLIGATION

Summary

By this order, the Department is extending Air Midwest's service obligation at Staunton, Virginia, for an additional 30 days, through November 22, 2002.

Background

On January 23, 2002, Air Midwest, Inc., d/b/a US Airways Express (Air Midwest), filed a 90-day notice of its intent to suspend its subsidy-free service at Staunton, effective April 23, 2002.¹ By Order 2002-3-19, March 20, 2002, the Department prohibited Air Midwest from suspending service at Staunton for an initial 30-day period, through May 23, 2002, and stated that we would issue subsequent 30-day hold-in orders until we could secure replacement service. As required by 49 U.S.C 41734, we have extended Air Midwest's service obligation for additional 30-day periods, the latest through October 23, 2002, by Order 2002-9-11.

Although we have received proposals, this case will not be completed before the end of the current hold-in period, and, as required by 49 U.S.C. 41734, we must continue to hold Air Midwest in at Staunton for an additional 30-day period.

This order is issued under authority delegated in 49 CFR 1.56a(f).

ACCORDINGLY,

1. The Department requires Air Midwest, Inc., d/b/a US Airways Express, to maintain essential air service at Staunton, Virginia, consisting of at least three nonstop round trips a day between Staunton and Greater Pittsburgh International Airport, for an additional 30-day period, through

¹ While Air Midwest's notice was dated January 7th, we did not receive it until January 23rd.

November 22, 2002, or until a carrier capable of providing reliable replacement service actually begins, whichever occurs first;²

2. The Department directs Air Midwest to retain all books, records, and other source and summary documents to support subsidy claims for payment and to preserve and maintain such documentation in a manner that readily permits its audit and examination by representatives of the Department. Such documentation shall be retained for seven years or until the Department indicates that the records may be destroyed. Copies of flight logs for aircraft sold or disposed of must be retained. The carrier may forfeit its compensation for any claim that is not supported under the terms of this order;
3. Docket OST-2002-11378 will remain open until further order of the Department; and
4. The Department will serve a copy of this order on the Mayor and Airport Manager of Staunton, Virginia, the State of Virginia and Air Midwest, Inc., d/b/a US Airways Express.

By:

READ C. VAN de WATER
Assistant Secretary for Aviation
and International Affairs

(SEAL)

*An electronic version of this document is available on the World Wide Web at
<http://dms.dot.gov>*

² In accordance with 49 U.S.C. 41734(c), we will extend Air Midwest's service obligation for successive 30-day periods as necessary until replacement service actually begins.