



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

SERVED FEB 13 1998

Issued by the Department of Transportation  
on the 9th day of February, 1998

In the matter of the revocation of the interstate  
certificate issued to

**TRI STAR AIRLINES, INC.**

**Docket OST-95-293**

in accordance with section 204.7 of the  
Department's Regulations

**ORDER REVOKING CERTIFICATE**

Section 204.7 of the Department's Aviation Economic Regulations (14 CFR 204.7) provides, among other things, that the authority of any air carrier holding a certificate shall be revoked if the carrier has not operated for a one-year period under any authority for which it was found "fit, willing, and able."

Tri Star Airlines, Inc., holds certificate authority under 49 U.S.C. 41102 to engage in interstate scheduled air transportation of persons, property, and mail.<sup>1</sup> The company conducted operations under its certificate authority until on or about January 24, 1997, when it ceased all operations. As a result of the cessation, in accordance with section 204.7 of our rules, Tri Star's authority was automatically suspended.<sup>2</sup>

By letter dated October 27, 1997, we reminded Tri Star of the dormancy provisions of section 204.7 of our rules, and stated that, in accordance with the rule, we would revoke its certificate authority for dormancy unless before January 24, 1998, we had received notification of the carrier's intent to have its fitness redetermined and to resume operations.

While Tri Star's legal counsel inquired as to what was the last date the carrier could file its notice to resume operations and indicated that it might do so, to date, no such notice has been received, nor has Tri Star requested an exemption from the revocation for dormancy provisions of our rules.

<sup>1</sup> See Order 95-7-53.

<sup>2</sup> The company was notified of this suspension by letter dated January 30, 1997.

Therefore, under these circumstances and in accordance with section 204.7 of our rules, we will revoke the interstate scheduled certificate issued to Tri Star by Order 95-7-53.

**ACCORDINGLY**, Acting under authority assigned by the Department in its regulations, 14 CFR 385.12:

1. We revoke the certificate of public convenience and necessity issued by Order 95-7-53 to Tri Star Airlines, Inc., authorizing it to conduct interstate scheduled air transportation.<sup>3</sup>
2. We will serve a copy of this order on the persons listed in Attachment A.

Persons entitled to petition the Department for review of this order under the Department's Regulations, 14 CFR 385.30, may file their petitions within 10 days of the service date of this order.

This order shall be effective and become the final action of the Department of Transportation upon the expiration of the above period unless within such period a petition for review is filed or the Department gives notice that it will review this order on its own motion.

By:

**JOHN V. COLEMAN**  
Director  
Office of Aviation Analysis

(SEAL)

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<http://dms.dot.gov>*

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<sup>3</sup> Our action here is without prejudice to the company's filing for new certificate authority in the future.