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January 27, 2006

Ms. Torlanda E. Archer
Ms. Reather Flemmings
Special Authorities Division
Office of Aviation Analysis, X-57
U.S. Department of Transportation
400 Seventh Street S.W., Room 6412
Washington, D.C. 20590

06 JAN 30 11 06:13

Re: Harrah's Atlantic City/Empire Airways;
Public Charter Prospectus; Waiver Application

Dear Ladies:

Please find enclosed a new prospectus wherein the charter operator is Marina Associates t/a Harrah's Casino Hotel Atlantic City and the direct air carrier is Partner Aviation d/b/a Empire Airways.^{1/} The prospectus, which consists of OST Forms 4532, provides for 13 Richmond/Norfolk, VA - Atlantic City round-trips operating from January 31, 2006, through March 28, 2006, and 34 Farmingdale, NY - Atlantic City round-trips operating February 2, 2006, through March 31, 2006.

The flights covered by this prospectus were originally filed with the Department on January 6, 2006. We respectfully withdraw the January 6, 2006, prospectus and waiver application but ask that the OST Form 4533 contained therein be incorporated with the present filing, thus completing this new prospectus.

In connection with this prospectus, we request a waiver of the requirement to establish a depository agreement. This type of waiver has previously been granted to Harrah's^{2/} as well as several other hotel/casinos.

Harrah's agrees to conditions substantially identical to those set forth in W-04-100, *i.e.*:

^{1/} Empire Airways, a Part 298 air taxi, does not have a depository agreement on file with the Department. Harrah's has advised us that consistent with section 298.38(b) of the Department's regulations, Empire Airways will not receive charter payments until after the corresponding flight(s) have been completed.

^{2/} See, *e.g.*, W-04-100 (PC-04-287).

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1. The number of public charter participants on each flight will be no more than 75, therefore the \$750,000 bond Harrah's has established fully covers these passengers;
2. Harrah's assumes responsibility for assuring hotel accommodations for public charter participants whenever the tour itinerary includes such accommodations; and
3. The requirement for a depository agreement is waived in light of the structure of this arrangement.

Please note it is Harrah's understanding and intention that its \$750,000 bond and the above-stated conditions are applicable to all flights included in this prospectus, including any amendments.

In addition, to the extent necessary and in conjunction with the enclosed filing as well as any amendments to this prospectus, we are requesting a waiver so as to operate the flights in this prospectus as replacements for flights filed with the Department by or on behalf of Harrah's under other public charter prospectuses which utilize only small aircraft (60 or fewer seats).^{3/} This waiver is necessary to afford Harrah's the flexibility to schedule and provide the number and size of aircraft commensurate with varying demand in individual markets. Thus the flights set forth in this prospectus, as amended, may replace (or be replaced by) flights on file in another, overlapping Harrah's prospectus in order to transport each person desiring travel to Atlantic City, without further communication with the Department. For example, if more people show up at the airport than there are seats available, an additional aircraft operated by Empire Airways, or an additional or larger aircraft from another prospectus, may be used for the flight, and *vice versa*; however, a flight will always be provided from at least one of the overlapping prospectuses unless there are no passengers desiring transportation in that market on that date.

We submit that the requested waivers would be in the public interest and are therefore consistent with section 380.3(e) of the Department's regulations.

A check in the amount of \$78.00 is enclosed in payment of the prospectus and waiver application fees. Thank you in advance for your time and attention, and please let us know if you have any questions.

^{3/} This type of waiver has been granted to Harrah's on various occasions. See, *e.g.*, W-04-100 (PC-04-287).