

# GAROFALO GOERLICH HAINBACH PC

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September 13, 2007

Ms. Torlanda E. Archer  
Ms. Reather Flemmings  
Special Authorities Division  
U.S. Department of Transportation  
1200 New Jersey Ave SE, Room W86-445  
Washington, D.C. 20590-0001

Re: Harrah's Operating Company / Allegiant Air  
Public Charter Prospectus; Waiver Application

Dear Ladies:

Please find enclosed a new prospectus wherein the public charter operator is Harrah's Operating Company, Inc. (HOC) and the direct air carrier is Allegiant Air, LLC. The prospectus, which consists of OST Forms 4532 and 4533, provides for 65 flights between various cities and Reno, Nevada (Harrah's Casino Hotel Reno and Harvey's Casino Hotel Lake Tahoe), operating from January 1 through March 31, 2008. See attachment to Form 4532 for specific dates and routings.

In connection with this prospectus, HOC respectfully requests a waiver of the requirement to establish a depository agreement. This type of waiver has previously been granted by the Department to Harrah's entities and in various other instances.<sup>1</sup> The applicant agrees to conditions substantially identical to those set forth in W-06-070, *i.e.*:

1. The number of public charter participants on each flight will not exceed 150, therefore the \$1,500,000 bond established by HOC fully covers these passengers;
2. HOC assumes responsibility for assuring hotel accommodations for its 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.

<sup>1</sup> For example, W-06-070 was granted to HOC in connection with PC-06-162.

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We have included in this prospectus Form 4533 evidencing the above bond established by HOC for the benefit of the charter participants.<sup>2</sup> It is the parties' understanding and intention that the bond and this waiver will apply to all flights in this prospectus, including any amendments.

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

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

Sincerely,



Aaron A. Goerlich  
Garofalo Goerlich Hainbach PC

## Enclosures

cc: David G. Jensen  
Attorney-in-Fact  
Fidelity and Deposit Co. of Maryland

Andrew C. Levy  
Managing Director  
Allegiant Air, LLC

The waiver requested here is granted under assigned authority. We find that there are special and unusual circumstances and that the waiver is in the public interest. Review of this action may be sought within 10 days. The filing of a petition shall/shall not preclude the action from becoming effective. See Part 386 of DOT's Regulations (14 CFR 386).

*Torlanda E. Archer*

Director, Office of Aviation Analysis

9-14-07

Date

This action does not insulate the applicant from further investigation and possible enforcement action.