



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

SERVED NOV 3 - 1998

Issued by the Department of Transportation
on the 30th day of October, 1998

Applications of

WESTERN PACIFIC AIRLINES, INC.

for a disclaimer of jurisdiction and an exemption from the provisions of section 41105 and a transfer of its section 41102 certificate

**Dockets OST-98-3707
OST-98-3767
OST-98-3768**

ORDER DISMISSING APPLICATIONS

On April 2, 1998, Western Pacific Airlines, Inc., filed an application in Docket OST-98-3707 requesting that the Department disclaim jurisdiction over the transfer of Western Pacific's dormant section 41102 certificate to Blue Line Holding Corporation.¹ On April 24, Western Pacific withdrew its disclaimer application in Docket OST-98-3707, and filed an application in Docket OST-98-3768 requesting that the Department approve an exemption from the certificate transfer provisions of section 41105 to permit the immediate transfer of its certificate to Blue Line. In addition, Western Pacific simultaneously filed an application in Docket OST-98-3767 requesting that the Department transfer its certificate to Blue Line.

We advised the applicant on several occasions that, before any action could be taken on these applications, it needed to file the information necessary to determine the fitness of Blue Line. However, to date, it has not done so. Further, Blue Line has informed us that it is no longer interested in pursuing a certificate transfer approval from the Department to obtain Western Pacific's dormant section 41102 certificate. In addition, in October, the trustee for Western Pacific indicated that he had no objection to our dismissing the transfer applications.

In light of the above, we have decided to dismiss Western Pacific's applications in Dockets OST-98-3707, OST-98-3767, and OST-98-3768, as moot.

¹ Western Pacific holds an interstate scheduled passenger certificate (*see* Order 95-5-22). Western Pacific provided operations under this certificate until February 4, 1998, when it ceased all operations.

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

1. We dismiss, as moot, the applications filed in Dockets OST-98-3707, OST-98-3767, and OST-98-3768 by Western Pacific Airlines, Inc., for various actions with respect to the transfer of its section 41102 certificate.
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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