

Served: January 22, 1998



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

Issued by the Department of Transportation
on the 22nd day of January, 1998

Application of

WINAIR, INC.

for a certificate of public convenience and necessity
under 49 U.S.C. 41102 to engage in interstate charter
air transportation of persons, property, and mail

Docket OST-97-2936

**ORDER ISSUING EFFECTIVE INTERSTATE CERTIFICATE
AND CONFIRMING ORAL ACTION**

By Order 97-11-34, served November 20, 1997, the Department found that WINAIR, Inc., was fit, willing, and able to conduct interstate and foreign charter passenger air transportation and issued to it a certificate authorizing it to engage in interstate operations. Subsequently, by Order 97-12-11, served December 11, 1997, we issued to WINAIR a certificate authorizing it to engage in foreign charter passenger operations (Docket OST-97-2937).

The authority granted by these certificates was to become effective on the sixth (business) day after we had received, among other things, a copy of WINAIR's Air Carrier Certificate and Operations Specifications from the Federal Aviation Administration (FAA) authorizing it to engage in charter passenger service, and a description of any fitness-related changes the company had undergone since the date of the Show Cause order in this case (*see* Order 97-11-21, served November 12, 1997).

On January 9 and 20, 1998, WINAIR provided information summarizing a change it had undergone in its senior management,¹ and verifying that it had available to it

¹ WINAIR notified us that it had a new Chief Financial Officer, Mr. Richard K. Ence. Our review of the qualifications and work experience of this individual found that he is qualified for his position with WINAIR.

funding adequate to meet our financial fitness standard based on its operating plan.² Further, WINAIR requested that the Department grant it a waiver from the standard six-day waiting period and make the certificate authority granted by Orders 97-11-34 and 97-12-11 effective immediately upon its receipt of the required FAA authority.

On January 21, 1998, WINAIR submitted evidence that it had obtained an Air Carrier Certificate from the FAA authorizing it to conduct passenger charter operations within the United States. Our review of these documents found them to be satisfactory. Hence, on January 21, we notified WINAIR that we were making its section 41102 interstate certificate effective on that same date. By this order, we confirm our oral action making WINAIR's interstate certificate authority effective and reissue to the carrier this authority to reflect its January 21, 1998, effective date. The foreign certificate authority issued to WINAIR by Order 97-12-11 will not be made effective until such time as WINAIR submits to us evidence that it has received from the FAA amended operations specifications which authorize it to conduct operations to points outside of the United States.

ACCORDINGLY, Acting under authority assigned by the Department in its Regulations, 14 CFR 385.12(a)(5)(iv) and (b)(1):

1. We confirm our oral action of January 21, 1998, making the section 41102 certificate authority issued to WINAIR, Inc., by Order 97-11-34 effective on that same date.
2. We reissue to WINAIR, Inc., the interstate charter passenger section 41102 certificate issued to it by Order 97-11-34 in the attached form to reflect its effective date.
3. Should WINAIR, Inc., propose to operate more than 8 aircraft, we direct it to notify the Department in writing at least 45 days prior to the proposed operation and demonstrate its fitness to conduct such operations before their commencement.
4. 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.

² WINAIR provided an accounting of its pre-operating expenses, paid and unpaid. Taking into consideration WINAIR's unpaid pre-operating expenses and the funds required to provide a three-month working capital reserve for its proposed operations, WINAIR needed funds of approximately \$5.3 million to meet our financial fitness test. WINAIR submitted verification from First Security Bank of Utah showing that it had on deposit funds totaling approximately \$160,000 and also confirmed that it continued to have available a \$5.2 million line-of-credit from its owner, Mr. Richard I. Winwood.

The action confirmed in this order was effective when taken and the filing of a petition for review shall not alter its effectiveness.

By:

John V. Coleman
Director
Office of Aviation Analysis

(SEAL)

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