

Order 2003-1-10
Served: January 15, 2003



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

Issued by the Department of Transportation
on the 14th day of January 2003

In the matter of the revocation of the certificate issued
under 49 U.S.C. 41102 to

AIR EXCURSIONS, LLC

pursuant to the provisions of section 204.7 of the
Department's Aviation Regulations

DOCKET OST-99-5948

ORDER REVOKING CERTIFICATE

Summary

By this order, we are revoking the interstate scheduled passenger certificate issued to Air Excursions, LLC (Air Excursions) for reason of dormancy.

Background

By Order 2001-3-15, issued March 14, 2001, the Department found Air Excursions, based in Gustavus, Alaska, fit, willing, and able to engage in interstate scheduled air transportation of persons, property, and mail. The effectiveness of such authority was contingent upon Air Excursions' filing certain information, including evidence of its Federal Aviation Administration authority, its insurance coverage, and its available financial resources. In accordance with section 204.7 of the Department's Regulations (14 CFR 204.7), the carrier had one year from the date of its fitness determination to commence operations. On December 19, 2001, we reminded the carrier that, if we did not receive the necessary documents to make Air Excursions' authority effective by March 14, 2002, we intended to take steps to revoke its certificate for reason of dormancy. We also reminded the carrier that, if it was not able to provide the necessary documents by March 14, it could request a waiver of section 204.7.

On March 14, 2002, the carrier provided some, but not all, of the documents needed to make its certificate authority effective. After subsequent correspondence with the Department's staff, on June 5, 2002, Air Excursions filed an application in Docket OST-02-12472 for a waiver of section 204.7 to the extent necessary to allow it until May 1, 2003, to complete the process to make its certificate effective. Air Excursions' justification for the extension was the pending changes in the law that governs the

dispatch and carriage of mail within the State of Alaska. Air Excursions stated that the proposed changes could significantly affect its business and operating plans, and that it would be premature to activate its certificate until the outcome of the legislation was clear.

Due to these circumstances, we determined that it was in the public interest to grant Air Excursions' request for a waiver of section 204.7. However, consistent with our policy, we gave Air Excursions six months from June 14, 2002, or until December 14, 2002, to activate its certificate authority.

It has now been almost 22 months since Air Excursions was found fit to provide interstate scheduled service and it has yet to file the documents necessary to make its certificate effective or to file information on the effect that the changes in the law with respect to the carriage of mail may have had on Air Excursions' proposed operations. Under these circumstances, we will revoke, without prejudice, Air Excursions' certificate for reason of dormancy.

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

1. We revoke the interstate scheduled certificate issued to Air Excursions, LLC, by Order 2001-3-15.
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 14 CFR 385.30, may file their petitions within 10 days of the date of service of this order.

The action taken in this order shall be effective immediately, and the filing of a petition for review shall not alter its effectiveness.

By:

RANDALL D. BENNETT
Director
Office of Aviation Analysis

(SEAL)

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<http://dms.dot.gov>

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