

Order: 2003-1-29
Served: January 31, 2003



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

Issued by the Department of Transportation
on the 31st day of January, 2003

Essential air service at

**DEVILS LAKE, NORTH DAKOTA
JAMESTOWN, NORTH DAKOTA
BROOKINGS, SOUTH DAKOTA
HURON, SOUTH DAKOTA**

**Dockets OST-1997-2785
OST-2000-7138**

under 49 U.S.C. 41731 *et seq.*

ORDER SETTING INTERIM SUBSIDY RATES

Summary

By this order, the Department is extending as interim rates the recently expired subsidy rates for the essential air service (EAS) provided by Great Lakes Aviation, Ltd., at Devils Lake and Jamestown, North Dakota, and at Brookings and Huron, South Dakota, until new final rates can be established.

Background and Decision

By Orders 2000-12-24 and 2001-9-11,¹ Great Lakes was selected to provide subsidized EAS at Devils Lake and Jamestown, North Dakota, and Brookings and Huron, South Dakota, for the two-year period through December 31, 2002. Subsequently, by Order 2002-2-13,² the Department authorized increases in subsidy rates for all carriers providing EAS program-wide, and subject to retroactive adjustment.

¹ Order 2000-12-24, selecting Great Lakes to provide EAS at Huron, was issued on December 26, 2000. Order 2001-9-11, selecting Great Lakes to provide EAS at Devils Lake, Jamestown and Brookings, was issued on September 17, 2001.

² Order 2002-2-13 was issued February 15, 2002.

The rates set by Orders 2000-12-24 and 2001-9-11, and amended by Order 2002-2-13, have now expired without our having established new rates. Consequently, it is necessary for us to extend the expired rates as interim rates in order to ensure that Great Lakes will continued to be paid for its services, until we can establish new final rates. The new final rates may be higher, lower or the same as the rates we are extending here.

This order is issued under authority delegated in 14 CFR 385.12(k)(2).

ACCORDINGLY,

1. We extend the subsidy rate for Great Lakes Aviation, Ltd., for the provision of essential air service at Huron, South Dakota, as established by Order 2000-12-24, and as amended by Order 2002-2-13, as an interim rate, subject to retroactive adjustment to October 1, 2001, until further Department action;
2. We extend the subsidy rates for Great Lakes Aviation, Ltd., for the provision of essential air service at Devils Lake and Jamestown, North Dakota, and Brookings, South Dakota, as established by Order 2001-9-11, and as amended by Order 2002-2-13, as interim rates, subject to retroactive adjustment to October 1, 2001, until further Department action;
3. We direct Great Lakes Aviation, Ltd., to retain all books, records, and other source and summary documentation to support claims for payment, and to preserve and maintain such documentation in a manner that readily permits its audit and examination by representatives of the Department. Such documentation shall be retained for seven years or until the Department indicates that the records may be destroyed. Copies of flight logs for aircraft sold or disposed of must be retained. The carrier may forfeit its compensation for any claim that is not supported under the terms of this order;
4. These dockets will remain open until further order of the Department; and

5. We will serve a copy of this order on the North Dakota and South Dakota Departments of Transportation, the Governors of North Dakota and South Dakota, and Great Lakes Aviation.

Persons entitled to petition the Department for review of this order under the Department's Regulations, 14 CFR 385.50, must file such petitions within ten days after the date of service of this order.

This order will be effective immediately, and the filing of a petition for review shall not preclude its effectiveness.

By:

RANDALL D. BENNETT
Director
Office of Aviation Analysis

(SEAL)

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on the World Wide Web at <http://dms.dot.gov>*