

**BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.**

Application of)	
)	
Colgan Air, Inc.)	Docket OST-2003-
)	
for an exemption from 14 C.F.R. 93)	
pursuant to 49 U.S.C. §41714 (d))	
)	

APPLICATION OF COLGAN AIR, INC. FOR EXEMPTION

Communications with respect to this document should be addressed to:

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Approval of Colgan's limited exemption request will permit Colgan to establish a reasonable schedule between DCA and Charleston, West Virginia ("CRW") than it otherwise could operate. By granting the requested exemption, Colgan will be able to offer passengers two (2) weekday and one (1) weekend roundtrip flights between CRW and DCA. This schedule would allow Colgan to offer "daily" trips, thus better meeting the demand for this service at DCA. The schedule would also allow Colgan to provide CRW passengers with access to the maximum number of connecting opportunities at DCA, thus guaranteeing that the greatest possible benefits are generated by the slots awarded to Colgan at the lottery. Colgan will operate a SAAB 340B turboprop aircraft offering 34 seats per departure.

In further support of its exemption request, Colgan states as follows:

A. Colgan's exemption request stems from its participation in the FAA's August 12 slot lottery at which it received four (4) DCA slots for use in the 2100 slot hour. The ability to offer the proposed flights will facilitate the economic needs of the Charleston community. In the absence of approval of this exemption request, Colgan will be precluded from offering reasonable flight option and will be forced to offer only late evening service thus denying passengers a convenient schedule including good connections.

B. Section 41714(d) of Title 49 of the United States Code authorizes the Department of Transportation ("DOT") to grant any carrier holding or operating a slot at DCA an exemption

from the requirements of 14 C.F.R. 93, Subpart K and S, under exceptional circumstances, provided that grant of the exemption will not:

- result in an increase in the total number of daily DCA slots;
- result in an increase in the total number of DCA slots between the hours of 7:00 a.m. and 9:59 p.m.;
- increase the number of operations at DCA in any one-hour period by more than two operations;
- result in withdrawal or reduction of slots operated by a carrier; and
- result in a net increase in noise on surrounding communities stemming from changes in operating times granted under Section 41714(d).

DOT has specifically noted its ability to issue exemptions permitting the reassignment of DCA slots from one hour to another based on an applicant's satisfaction of these five criteria and has issued such exemptions on several occasions, including exemptions permitting another carrier to reassign 2100 slots to earlier slot hours.²

C. Colgan's exemption request fully satisfies each of the criteria established by Section 41714(d) as well as the DOT's decisions approving slot reassignments at DCA.

First, approval of Colgan's exemption application will not result in an increase in the total number of slots per day at DCA. Through this application Colgan is seeking only the reassignment

² See, e.g., *Application of Midwest Express Airlines, Inc.*, Docket OST-00-7189, March 15, 2001; *Application of Midwest Express Airlines, Inc.*, Order 2000-7-20, July 14, 2000; *Application of Midwest Express Airlines, Inc.*, Order 99-11-4, November 4, 1999.

of four (4) existing DCA slots to other times. The total number of daily DCA slots will not change.

Second, grant of Colgan's application will not result in an increase in the number of slots at DCA allocated for the period from 0700 to 2100. Colgan is requesting the reassignment of two slots from the 2100 slot hour to the 0800, 0800, 1800 and 1800 slot hours. The total number of DCA slots allocated for the 0700 to 2200 period will remain the same.

Third, Colgan's proposed slot reassignment will not increase the number of operations at DCA by more than two in any one-hour period. Colgan has confirmed with the FAA's Slot Administration Office that the 0800 and 1800 slot hours can each accommodate two (2) slots without exceeding the two (2) slots per hour limit.

Fourth, approval of Colgan's request will not result in the withdrawal or reduction of slots operated by any other carrier. The slots Colgan is moving were allocated to it at the FAA's slot lottery. Reassignment to the 0800 and 1600 slot hours will not affect any other carrier's slot holdings or operations.

Fifth, reassignment of slots to the 0800 and 1800 slot hours will not result in a net increase in noise impact on surrounding communities. Colgan could, if it chose, operate its 2100 slots today. Reassignment of these slots to earlier hours will therefore have no net effect whatsoever on noise levels in communities surrounding DCA. In fact, reassignment of Colgan's 2100 slots to 0800 and 1800 will likely reduce the negative effects usually associated with aircraft operations by moving two (2) operations to earlier hours from evening hours.

In addition to meeting these five requirements, the Department has required that applicants for slot reassignment demonstrate that they hold only a limited number of slots at DCA: "our authority to grant exemptions for slot slides at DCA is applicable only in limited circumstances to meet the specific needs of carriers holding a limited number of slots at that airport." Prior to the DCA lottery, Colgan did not hold or operate any DCA slots.

The approval to move four (4) slots is well within the number of slots the Department has previously determined to constitute a limited number, and satisfies the requirement that an applicant for reassignment hold only a limited number of DCA slots. Thus Colgan's application satisfies all statutory and DOT criteria applicable to requests for exemptions permitting slot reassignment.

WHEREFORE, Colgan Air, Inc. respectfully requests, for all of the reasons set forth above, that DOT grant Colgan an exemption permitting it to reassign one of each of its 2100 slots to the 0800, 0800, 1800 and 1800 slot hours at DCA, or grant such other relief as DOT may deem appropriate.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the application of Colgan Air, Inc. for Exemption on August 18, 2003 to each of the persons listed below.

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