

259951

Order 2003-11-10
Served November 21, 2003



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

Issued by the Department of Transportation
on the 18th day of November, 22003

Essential Air Service at

MANHATTAN, KANSAS

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

Docket OST-2003-15483-6

ORDER EXTENDING SERVICE OBLIGATION

Summary

By this order, the Department of Transportation extends the service obligation of Air Midwest, Inc., d/b/a US Airways Express (Air Midwest), at Manhattan, Kansas, for an additional 30 days, through December 19, 2003.

Background

On June 20, 2003, Air Midwest filed a 90-day notice of its intent to suspend its unsubsidized service at Manhattan, effective September 18, 2003. By Order 2003-9-17, September 23, 2003, the Department prohibited Air Midwest from suspending service beyond the end of its 90-day notice period and requested proposals, with subsidy if necessary, from carriers interested in providing replacement service. As required by 49 U.S.C. 41734, we have extended Air Midwest's service obligation for additional 30-day periods, the latest through November 19, 2003, by Order 2003-10-23.

Although we have received proposals, this case will not be completed by the end of the current hold-in period. Therefore, in accordance with 49 U.S.C. 41734(c), we will extend Air Midwest's service obligation at Manhattan for an additional 30 days, or until suitable replacement service actually begins, whichever occurs first.

This order is issued under authority assigned in 14 CFR 385.12(k)(5).

ACCORDINGLY,

1. We require Air Midwest, Inc., d/b/a US Airways Express, to maintain essential air service between Manhattan and Kansas City International Airport, consisting of two nonstop or one-stop round trips a day for an additional 30-day period through December 19, 2003, or until suitable replacement service actually begins, whichever occurs first;¹

¹ In accordance with 49 U.S.C. 41734(c), we will extend Air Midwest's service obligation for successive 30-day periods, as necessary, until its proposed service actually begins.

2. We direct Air Midwest to retain all books, records, and other source and summary documentation to support subsidy 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, whichever comes first. 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;

3. Docket OST-2003-15483, will remain open until further order of the Department; and

4. We will serve a copy of this order on the Mayor and Airport Manager of Manhattan, Kansas, and Air Midwest.

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 (10) 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)

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