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Order 98-3-21

SERVED MAR 26 1998



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

Issued by the Department of Transportation
on the 20th day of March, 1998

Essential air service at

ALAMOSA, COLORADO
NORTH PLATTE, NEBRASKA
SCOTTSBLUFF, NEBRASKA
LARAMIE, WYOMING
RIVERTON/LANDER, WYOMING
ROCK SPRINGS, WYOMING
WORLAND, WYOMING

Docket OST-97-2960
Docket OST-97-2954
Docket OST-97-2955
Docket OST-97-2958
Docket OST-97-2956
Docket OST-97-2959
Docket OST-97-2981

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

ORDER EXTENDING SERVICE OBLIGATION

On October 1 and 7, 1997, respectively, Mesa Airlines, Inc., d/b/a United Express, filed 90-day notices of intent to suspend service as of December 30, 1997, at the first six communities listed above and as of January 5, 1998, at Worland. By Order 97-12-8, December 5, 1997, the Department prohibited Mesa from suspending service at the communities for 30 days beyond the end of the 90-day notice periods; *i.e.* through January 29, 1998, and February 4, 1998, as relevant, and requested proposals from carriers interested in providing replacement service at the communities.

By Orders 98-1-13, January 16, 1998, and 98-2-22, February 20, 1998, the Department extended Mesa's service obligation for two additional 30-day periods, through April 1, 1998, at the first six communities and through April 6 at Worland.

By Order 98-2-8, February 9, 1998, the Department stated that it would rely on the subsidy-free proposal of Great Lakes Aviation, Ltd., d/b/a United Express, to satisfy the essential air service requirements of North Platte and Scottsbluff, and would take no action to prohibit Mesa from suspending its service at these two points, effective upon inauguration of replacement service by Great Lakes. We also directed Mesa and Great Lakes to determine a mutually agreeable transition date.

Great Lakes has not yet inaugurated service at North Platte and Scottsbluff, and the replacement case for the remaining five points will not be completed before the end of the

current 30-day hold-in periods. In accordance with 49 U.S.C. 41734(c), we will therefore extend Mesa's service obligation at the communities for an additional 30 days, through May 1, 1998 (for the first six) and May 6, 1998 (for Worland), or until replacement service actually begins, whichever is first.

This order is issued under authority delegated in 14 CFR Part 385.

ACCORDINGLY,

1. We require Mesa Airlines, Inc., d/b/a United Express, to maintain essential air service at Alamosa, Colorado, North Platte and Scottsbluff, Nebraska, and Laramie, Riverton/Lander, Rock Springs and Worland, Wyoming, as set forth in the Appendix D of Order 97-12-8, for an additional 30-day period through May 1, 1998 (for the first six communities), and May 6, 1998 (for Worland), or until a carrier capable of providing reliable replacement service actually begins service, whichever is first;¹
2. We direct Mesa Airlines, Inc., d/b/a United Express, 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. 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; and
3. We will serve a copy of this order on the Mayors and airport manager of Alamosa, Colorado, North Platte and Scottsbluff, Nebraska, and Laramie, Riverton/Lander, Rock Springs and Worland, Wyoming; the Governors of Colorado, Nebraska and Wyoming; the Directors of the Colorado Division of Aeronautics, the Nebraska Department of Aeronautics, and the Wyoming Department of Transportation; and Mesa Air Group.

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.

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

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

By:

JOHN V. COLEMAN
Director
Office of Aviation Analysis

(SEAL)

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