



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

Issued by the Department of Transportation
on the 8th day of July, 2005

Essential Air Service at

HAGERSTOWN, MARYLAND

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

DOCKET OST-2005-20430

ORDER EXTENDING SERVICE OBLIGATION

Summary

By this order, the Department of Transportation extends the service obligation of Air Midwest, Inc., d/b/a USAirways Express (Air Midwest), at Hagerstown, Maryland, for an additional 30 days, through [July 18, 2005](#).¹

Background

On February 17, 2005, Air Midwest filed a 90-day notice of its intent to suspend its unsubsidized service at Hagerstown. By Order 2005-4-17, April 15, 2005, the Department prohibited Air Midwest from suspending service and requested proposals, with subsidy if necessary, from carriers interested in providing replacement service.

Although we have received proposals, this case will not be completed before 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 Hagerstown 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., to maintain essential air service at Hagerstown, Maryland, consisting of two nonstop round trips each weekday and weekend to Pittsburgh, for an

¹ Since July 17th is a Sunday, this hold-in period will end on Monday, July 18th. (See 14 CFR 302.08)

additional 30-day period through [July 18, 2005](#), or until suitable replacement service actually begins, whichever occurs first;²

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-2005-20430, 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 Hagerstown and Air Midwest, Inc.

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>*

² 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 suitable replacement service actually begins.