



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

Issued by the Department of Transportation
on the 15th day of February, 2008

Essential Air Service at

**ELY, NEVADA
MERCED, CALIFORNIA
VISALIA, CALIFORNIA**

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

**DOCKET OST-1995-361
DOCKET OST-1998-3521
DOCKET OST-2004-19916**

ORDER EXTENDING SERVICE OBLIGATION

Summary

By this order, the Department of Transportation extends the service obligation of Air Midwest, Inc., at the above-captioned communities, for an additional 30 days, through [March 20, 2008](#).

Background

On May 22, 2007, Air Midwest filed a 90-day notice of its intent to suspend its subsidized service at the communities as of August 20. By Order 2007-6-13, June 18, 2007, the Department prohibited the carrier from suspending service 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 [February 19, 2008](#), by Order [2008-1-8](#).

The Department has issued Orders 2007-9-29 and 2007-10-7 selecting replacement service at several communities, but the new carriers have not yet inaugurated service at these three communities. Therefore, in accordance with 49 U.S.C. 41734(c), we will extend Air Midwest's service obligation at the communities for an additional 30 days, or until replacement service actually begins, whichever occurs first.

This order is issued under authority delegated in 49 CFR 1.56a(f).

ACCORDINGLY,

1. We require Air Midwest, Inc., to maintain its current level of essential air service at Ely, Nevada; and Merced and Visalia, California, for an additional 30 days, through **March 20, 2008**, or until replacement service actually begins, whichever occurs first.¹
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. Dockets OST-1995-361, 1998-3521, 2004-19916, will remain open until further order of the Department; and
4. We will serve copies of this order on the mayors and airport managers of Ely, Nevada; Merced and Visalia, California, and on Air Midwest, Inc.

By:

MICHAEL W. REYNOLDS
Acting Assistant Secretary for Aviation
and International Affairs

(SEAL)

*An electronic version of this document is available on the World Wide Web at
www.regulations.gov*

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 suitable replacement service actually begins.