

Served: August 20, 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 August, 1998

In the matter of the revocation of the interstate and foreign scheduled and charter air transportation certificates issued under 49 U.S.C. 41102 to

**MILLON AIR, INC.**

pursuant to the provisions of section 204.7 of the Department's Aviation Regulations

**Dockets 41480**

**46515**

**48367**

**OST-95-317**

**ORDER LIFTING STAY AND REVOKING CERTIFICATES**

Millon Air, Inc. (Millon) holds certificate authority to conduct interstate and foreign cargo air transportation operations.<sup>1</sup> On October 24, 1996, Millon voluntarily grounded its aircraft fleet in order to facilitate what was expected to be a short-term safety review of the carrier's aircraft and operations.

Section 204.7 of our rules (14 CFR 204.7) provides that, if a carrier ceases the air transportation operations for which it was found fit, it may not resume or advertise such services until its fitness to do so has been redetermined. Section 204.7 further provides that, if a carrier does not have its fitness redetermined and resume operations within one year of its cessation, the carrier's economic operating authority will be revoked for reason of dormancy.

By Order 98-4-9, served April 9, 1998, we revoked for reason of dormancy the domestic all-cargo certificate authority held by Millon Air, Inc., and stated our intent to revoke the carrier's foreign certificate authority.<sup>2</sup> As discussed in that order, although Millon had filed notice of its intent to resume operations, we took revocation action because the company's application had been on file for well over a year, the information before us at that time did not support a positive fitness finding, and we had no clear information showing that the carrier did, in fact, intend to resume operations in the near term.

<sup>1</sup> See Orders 84-11-101, issued November 27, 1984, 90-12-52, issued November 19, 1990, 93-4-3, issued March 18, 1993, and 96-10-2, issued September 16, 1996. Order 90-12-52 also authorized the carrier to engage in foreign charter passenger operations, although that authority has never been made effective.

<sup>2</sup> Since the revocation of foreign authority requires Presidential approval under section 41307 of the statute (49 U.S.C. section 41307), we stated that Millon's foreign certificate authority would be revoked after such approval had been received.

On April 16, Millon filed a petition for review of the action taken in Order 98-4-9. Millon stated that it was, at that time, pursuing new investment in the company which would facilitate its resumption of operations. Millon requested that the Department rescind its revocation of its certificate authority and allow the carrier an additional 60 days to complete those arrangements. Upon review of the facts surrounding Millon's petition, by Order 98-6-4, served June 5, 1998, we stayed the revocation action taken in Order 98-4-9 for a period of 60 days (or, through August 5).<sup>3</sup> That order further stated that if, at the end of this time, Millon had not provided us with updated fitness information, we would issue an order reinstating our earlier revocation of its domestic certificate authority and proceed to issue an order revoking its foreign certificate authority. To date, we have received no further fitness information from Millon.

In light of the above, by this order, we will lift the stay granted by Order 98-6-4 and make final the revocation of the carrier's certificate authority. This action is taken without prejudice to Millon's filing a new application for authority at some future date should it choose to do so.

**ACCORDINGLY,**

1. We lift the stay granted by Order 98-6-4 and make final the revocation of the domestic all-cargo certificate issued to Millon Air, Inc., by Order 84-11-101.<sup>4</sup>
2. We will serve a copy of this order on the persons listed in Attachment A.

By:

**CHARLES A. HUNNICUTT**  
Assistant Secretary for Aviation  
and International Affairs

(SEAL)

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<http://dms.dot.gov>*

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<sup>3</sup> By virtue of that action, Millon was actually afforded almost 120 days from the initial revocation, considerably more time than initially sought by the carrier.

<sup>4</sup> By this order, we revoke only Millon's interstate operating authority. As noted earlier, revocation of the certificates authorizing it to engage in foreign air transportation is subject to Presidential review in accordance with section 41307 of the statute and will be handled in a separate order.

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