

Order 98-10-11
Served October 16, 1998



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

Issued by the Department of Transportation
on the 9th day of October, 1998

In the matter of the cancellation of the interstate scheduled
certificate issued to

**MOUNTAIN AIR EXPRESS, INC.
D/B/A MAX**

Docket OST-96-1674

under 49 U.S.C. section 41102

ORDER CANCELING CERTIFICATE

Summary

By this order, we cancel the section 41102 interstate scheduled certificate issued to Mountain Air Express, Inc. d/b/a MAX by Order 96-12-35.

Background

MAX holds certificate authority under 49 U.S.C. 41102 to engage in interstate scheduled air transportation of persons, property, and mail.¹ On November 6, 1997, MAX filed for Chapter 11 bankruptcy protection. The carrier, however, continued its operations as a debtor-in-possession. In February 1998, MAX was acquired by Air Wisconsin Airlines, another certificated air carrier.² MAX continued to conduct operations under its own certificate authority while the two carriers worked to merge MAX's operations into those of Air Wisconsin.³

On August 24, 1998, Air Wisconsin filed a letter with the Department indicating that as a result of the completion of the operational merger between Air Wisconsin and MAX,

¹ See Order 96-12-35.

² See Order 93-12-41.

³ During this transitional period, MAX conducted its operations under the registered trade names "Air Wisconsin Airlines Corporation" and "United Express."

MAX had surrendered its air carrier certificate to the Federal Aviation Administration and was surrendering its DOT economic certificate.

In light of this, we are canceling MAX's certificate authority.

ACCORDINGLY, Acting under authority assigned by the Department in its regulations, 14 CFR 385.12:

1. We cancel the certificate of public convenience and necessity issued to Mountain Air Express, Inc. d/b/a MAX by Order 96-12-35 authorizing it to engage in interstate scheduled transportation of persons, property, and mail.
2. We will serve a copy of this order on the persons listed in Attachment A.

Persons entitled to petition the Department for review of this order under the Department's Regulations 14 CFR 385.30, may file their petitions within 10 days of the service date of this order.

This order shall be effective and become the final action of the Department of Transportation upon the expiration of the above period unless within such period a petition for review is filed or the Department gives notice that it will review this order on its own motion.

By:

JOHN V. COLEMAN
Director
Office of Aviation Analysis

(SEAL)

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

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