



Order 99-1-8

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

Issued by the Department of Transportation  
on the 21<sup>st</sup> day of January, 1999

Served January 25, 1999

Essential Air Service at

**BANGOR, MAINE**

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

**Docket OST-98-4837**

**ORDER PERMITTING SUSPENSION OF SERVICE**

**Summary**

By this Order, the Department is permitting Delta Air Lines, Inc., to suspend all scheduled air service at Bangor, Maine.

**Background**

On December 2, 1998, Delta Air Lines, Inc. (Delta), filed a 90-day notice of its intent to suspend all scheduled air service at Bangor, Maine, effective March 2, 1999. At Bangor, Delta currently operates two daily round trips to Portland and one daily round trip to Providence with 142-seat MD-80 jet equipment. Additional commuter service is available to Boston on USAirways Express and Business Express, and to Newark on Continental Express.



## **Essential Air Service Determination**

By Order 84-7-76, issued July 26, 1984, the Civil Aeronautics Board set the essential air service determination for Bangor to require at least two daily nonstop round trips to Boston, with sufficient capacity to accommodate 40 passengers in each direction each day. The Board required a daily minimum of 80 passenger seats in each direction if aircraft having 9 seats or less are used, and 62 passenger seats in each direction if aircraft having 14 seats or more are used.

## **Discussion**

In support of its notice, Delta states that, after its termination of service, Bangor will continue to receive substantially more than the level of service established as essential by the Civil Aeronautics Board in 1984. According to Delta, after March 2, 1999, Business Express (a Delta Connection carrier) will provide 15 daily round trips to Boston (510 seats in each direction each day) and 2 daily round trips to La Guardia (68 seats in each direction each day) with 34-seat SF3 aircraft; USAirways Express will provide 7 daily round trips to Boston (126 seats in each direction each day) with 18-seat Beech 1900 aircraft; and Continental Express will provide two round trips a day to Newark (84 seats in each direction each day) with 42-seat ATR-42 aircraft. In addition, Delta states that on March 2, Comair, also operating as a Delta Connection carrier, will inaugurate service at Bangor with three daily nonstop round trips to Cincinnati (150 seats in each direction each day) with 50-seat Canadair Regional Jet aircraft.

## **Decision**

After reviewing this matter, we have decided to allow Delta to terminate service at Bangor, effective March 2, 1999, as scheduled. We find that the remaining service at Bangor, after Delta's departure, will be well above the frequency and capacity levels established by the community's essential air service determination, and affords the Bangor community with excellent access to the nation's air transportation system.

Specifically, Bangor will have a total of 22 daily nonstop round trips a day to Boston offering 636 seats in each direction each day; four daily nonstop round trips to Newark/La Guardia offering 152 seats in each direction each day; and 2 nonstop round trips to Cincinnati (jet service) offering 150 seats in each direction each day. Under the Department's EAS guidelines, the maximum service we will guarantee is 67 seats a day, based on the assumption that the marketplace should be relied upon to respond to

demand above that level (14 CFR Part 398). Thus, the remaining service at Bangor will substantially exceed any determination contemplated under EAS Program guidelines, including Bangor's existing determination.

For these reasons, we do not find a sufficient basis to prohibit Delta from terminating its air service at Bangor following its 90-day notice period.

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

**ACCORDINGLY,**

1. We take no action to prohibit Delta Air Lines, Inc., from terminating all scheduled air service at Bangor, Maine, as of March 2, 1999; and
2. We will serve a copy of this order on the Mayor and Airport Manager of Bangor, the Maine Department of Transportation, Delta Air Lines, Business Express, USAirways Express, Comair and Continental Express.

By:

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

(SEAL)

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