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

**SERVED** NOV 26 1999

Issued by the Department of Transportation  
on the **26th** day of November, 1999

In the matter of the joint application of  
  
**SOUTHERN AIR TRANSPORT, INC.**  
and SOUTHERN AIR, INC.  
  
for approval of transfer of certificate and exemption  
authority pursuant to **49 U.S.C. 41105**

Docket **OST 99-5670 - 19**

In the matter of the fitness determination of  
  
SOUTHERN AIR TRANSPORT, INC.  
  
as a certificated air carrier under **49 U.S.C. 41102**

Docket **OST-99-5670**

In the matter of the cancellation of the section 41102 and  
41103 certificates and exemption authority issued to  
  
SOUTHERN AIR TRANSPORT, INC.  
  
for dormancy under section 204.7 of the Department's  
Regulations

Dockets **OST-96-1153, -16**  
**96-987, 49043,**  
**41187, 32342, 30833**  
and **30789**

**FINAL ORDER**

By Order **99-11-6**, issued November **10, 1999**, we directed **all** interested persons to show cause why we should not issue orders (1) **making** final the tentative findings and conclusions stated in it and award certificates to Southern Air, Inc., authorizing it to engage in interstate and foreign charter air transportation of property and mail, subject to the attached specimen Terms, Conditions, and Limitations; (2) canceling the certificates issued to Southern Air Transport, Inc., by Orders **78-5-120** (Docket **32342**), **84-1-59** (Docket **41187**), **80-1-87** (Docket **30883**), **80-9-106** (Docket **30789**), **95-1-6** (Docket **49043**) and the exemptions held by Southern Air Transport, Inc., by Orders **95-3-31** (Docket **OST-96-987**) and **97-6-16** (Docket **OST-96-1153**); and (3) denying the joint application filed by Southern Air Transport, Inc., and Southern Air, Inc., for transfer of certificate and exemption authority. Interested persons were given **14** days to file objections.

No objections to the show-cause order were received within the answer period provided.

**ACCORDINGLY,**

1. We **find** that Southern Air, Inc., is fit, willing, and able to engage in interstate and foreign charter air transportation of property and mail.
2. We issue a certificate of public **convenience** and necessity to Southern Air, Inc., authorizing it to engage in interstate charter air transportation of property and mail in the form and subject to the Terms, Conditions, and Limitations attached.<sup>1</sup>
3. We deny the joint application filed by Southern Air Transport, Inc., and **Southern Air, Inc.**, for transfer of certificate and exemption authority.
4. We cancel the section **41103** and **41102** certificates issued to Southern Air Transport, Inc., by Orders **78-5-120** (Docket **32342**) and **84-1-59** (Docket **41187**) and all exemption authority.
5. We direct that, should Southern Air, Inc., propose to operate more than two aircraft, it **must** notify the Department in writing at least **45** days in advance and demonstrate its fitness for such operations prior to placing additional aircraft into service.
6. We direct Southern Air, Inc., to submit to the Air Carrier Fitness Division a first-year progress report within **45** days of the end of its first year of actual flight **operations**.<sup>2</sup>
7. We will serve a copy of this order on the persons listed in Attachment A to this order.

By:

A. BRADLEY **MIMS**  
Deputy Assistant Secretary for Aviation  
and International Affairs

(SEAL)

*An electronic version of this document is available on the World Wide Web at  
[http://dms.dot.gov/reports/reports\\_aviation .asp](http://dms.dot.gov/reports/reports_aviation.asp)*

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<sup>1</sup> By this order, we issue only an interstate certificate to Southern Air, Inc., and cancel only the interstate certificates of SAT. Issuance and cancellation of foreign certificates are subject to Presidential review under **49 U.S.C. 41307** and will be handled in a separate order.

<sup>2</sup> This report shall include a description of the carrier's current operations (number and type of aircraft, principal markets served, total number of full-time and part-time employees and a listing of current senior management and key technical personnel), a summary of how its operations have changed during the year, a discussion of any changes it anticipates from its current operations during its second year, and current financial statements. These financial statements shall include a balance sheet as of the end of the company's first full year of actual flight operations and a twelve-month income statement ending that same date. The carrier shall also be prepared to meet with staff members of the Air Carrier Fitness Division to discuss its current and future operations.



Certificate of **Public** Convenience and Necessity  
for  
Interstate **Charter Air Transportation**

*This Certifies That*

**SOUTHERN AIR, INC.**

*is authorized, subject to the provisions of Subtitle VII of Title 49 of the United States Code, the orders, rules, and regulations issued thereunder, and the attached Terms, Conditions, and Limitations, to engage in interstate charter air transportation of property and mail.*

*This Certificate is not transferable without the approval of the Department of Transportation.*

*By Direction of the Secretary*

*Issued by Order 99-11-17*  
*On November 26, 1999*  
*Effective on (See Attached)*

*A. Bradley Mims*  
*Deputy Assistant Secretary for*  
*Aviation and International Affairs*



*Terms, Conditions, and Limitations*

**SOUTHERN AIR, INC.**

*is authorized to engage in interstate charter air transportation of property and mail between any point in any State, territory, or possession of the United States or the District of Columbia, and any other point in any of those entities.*

*This authority is subject to the following provisions:*

*(1) The authority to operate under this certificate will not become effective until six (business) days after the Department has received the following documents; provided; however, that the Department may stay the effectiveness of this authority at any time prior to that date:*

*(a) A copy of the holder's Air carrier Certificate and Operations Specifications authorizing such operations from the Federal Aviation Administration (FAA).*

*(b) A certificate of insurance on OST Form 6410 evidencing liability insurance coverage meeting the requirements of 14 CFR 205.5(b) for all of its aircraft.*

*(c) A statement of any changes the holder has undergone in its ownership, key personnel; operating plans, financial posture, or compliance history, since the date of the Show Cause Order in this case.*

*(d) A revised list of pre-operating expenses already paid and those remaining to be paid, as well as independent verification that the holder has available to it funds sufficient to cover any remaining pre-operating expenses and to provide a working capital reserve equal to the operating costs that would be incurred in three months of operations.*

*(2) Pending receipt of effective authority, the holder may not accept payment of any kind (i.e., cash, check or credit card), or enter into contracts for the operations proposed under this certificate, and any advertisement by the holder must prominently state: "This service is subject to receipt of government operating authority."*

*(3) The holder shall at all times conduct its operations in accordance with the regulations prescribed by the Department of Transportation for the services authorized by this certificate, and with such other reasonable terms, conditions, and limitations as the Department of Transportation may prescribe in the public interest.*

*(4) The holder is not authorized to carry passengers (other than cargo attendants accompanying freight shipments)*

- (5) *The holder's authority is effective only to the extent that such operations are also authorized by the FAA-*
- (6) *The holder shall at all times remain a 'Citizen of the United States' as required by 49 U.S.C. 40102(a)(15).*
- (7) *The holder shall maintain in effect liability insurance coverage as required under 14 CFR Part 205. Failure to maintain such insurance coverage will render a certificate ineffective, and this or other failure to comply with the provisions of Subtitle VII of Title 49 of the United States Code or the Department's regulations shall be sufficient grounds to revoke this certificate.*
- (8) *The holder is not authorized to engage in air transportation operations between points within the State of Alaska.*
- (9) *Should the holder propose any substantial changes in its ownership, management, or operations (as that term is defined in 14 CFR 204.2(l)), it must first comply with the requirements of 14 CFR 204.5.*
- (10) *In the event that the holder does not commence actual flying operations under this certificate within one year of the date of the Department's determination of its fitness, its authority shall be revoked for dormancy, unless the holder is conducting operations under another type of certificate authority. Further, in the event that the holder commences operations for which it was found "fit, willing, and able" and subsequently ceases all such operations, its authority under all certificates held shall be suspended under the terms of 14 CFR 204.7 and the holder may neither recommence nor advertise such operations unless its fitness to do so has been redetermined by the Department. Moreover, if the holder does not resume operations within one year of its cessation, its authority shall be revoked for dormancy.*

## ATTACHMENT A

### SERVICE LIST FOR SOUTHERN AIR, INC.

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