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

Issued by the Department of Transportation
on the 5th day of January, 2000

Application of

ATLANTIC COAST AIRLINES
d/b/a UNITED EXPRESS

for disclaimer of jurisdiction under 49 U.S.C. 41105

Served: January 7, 1999

Docket OST-98-4914-3

ORDER DISMISSING APPLICATION

Atlantic Coast Airlines d/h/a United Express (“ACA”) is an operating interstate scheduled air carrier, certificated under section 41102 of Title 49 of the United States Code (“the Statute”).¹ It was established as a California corporation on December 7, 1989, and is headquartered in Dulles, Virginia.

On December 15, 1998, ACA filed an application in Docket OST-98-4914 requesting the Department to disclaim jurisdiction under section 41105 of the Statute over ACA’s proposed technical merger into Atlantic Coast Airlines, Inc. d/b/a United Express (“ACAI”), a corporation newly formed in the State of Delaware,² and to reissue its certificate in the latter name. The applicant stated that the transaction was to involve no material changes in the operations, management, or financial condition of ACA.

On December 30, 1999, ACA stated that the implementation of its reorganization plan required obtaining the consents of various interested parties, including its aircraft lessors and financing providers, which process was taking longer to complete than ACA originally anticipated.

¹ ACA’s certificate, authorizing it to engage in interstate scheduled air transportation of persons, property, and mail, was issued by Order 9 1-12-43 on December 27, 1991, and was reissued by Order 98-7-6 on July 8, 1998.

² Delaware is also the State of incorporation of the carrier’s parent, Atlantic Coast Airlines Holdings, Inc., whose name was changed from Atlantic Coast Airlines, Inc., in preparation for the reincorporation of ACA.

Therefore, rather than leave the docket in this case open for an indeterminate time, ACA stated that it had decided to withdraw its application in Docket OST-98-4914, with the understanding that it could refile for such relief when it was ready to proceed with the reorganization.

Under the circumstances, we will dismiss ACA's application without prejudice to its refile for the requested disclaimer at a future time when its preparations for the reorganization have been completed.

ACCORDINGLY, acting under authority assigned by the Department in its Regulations, 14 CFR 385.12(b)(1):

1. We dismiss, without prejudice, the application of Atlantic Coast Airlines d/b/a United Express in Docket OST-98-4914 for a disclaimer of jurisdiction under section 41105 of the Statute.
2. We will serve a copy of this order on the persons listed in Attachment A to this order.

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.

The action taken in this order is effective when taken and the filing of a petition for review shall not alter its effectiveness.

By:

RANDALL BENNETT
Acting Director
Office of Aviation Analysis

(SEAL)

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