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Order 2000-7-26



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

Issued by the Department of Transportation
on the 24th day of July, 2000

<p>Application of</p> <p>SMOKEY BAY AIR, INC.</p> <p>for a certificate of public convenience and necessity under 49 U.S.C. 41102 to engage in interstate scheduled air transportation of persons, property, and mail</p>	<p>Served: July 27, 2000</p> <p>Docket OST-99-6150 -//</p>
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ORDER ISSUING EFFECTIVE CERTIFICATE

By Order 2000-6-4, served June 9, 2000, the Department found Smokey Bay Air, Inc., fit and issued it a certificate authorizing it to engage in interstate scheduled passenger air transportation operations.

The authority in that order was to become effective six (business) days after Smokey Bay had fulfilled certain conditions. Specifically, the carrier was required to provide (1) evidence of appropriate Federal Aviation Administration (FAA) authority; (2) evidence that it had obtained required liability insurance coverage; (3) a statement of any changes in ownership, management, operations, financial position, or compliance disposition since the show-cause order in this case was issued;¹ and (4) evidence that the company's available financial resources were sufficient to meet our financial test.

On July 11, 2000, Smokey Bay filed documents showing that it had the required FAA authority and liability insurance coverage. The carrier also stated that there have been no changes in fitness-related areas since our show cause order was issued, and provided third-party verification of available financial resources. We reviewed these documents and found them to be satisfactory. Therefore, on July 17, we advised Smokey Bay that its certificate authority would, under the terms of its certificate, become effective on July 19, 2000. By this order, we reissue Smokey Bay's certificate to reflect its effective date.

¹ See Order 2000-4-7, served April 13, 2000.

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

1. We reissue the interstate scheduled passenger certificate issued to Smokey Bay Air, Inc., by Order 2000-6-4 in the attached form to reflect its effective date.
2. We direct that, within 45 days following the end of the first year of certificated operations, Smokey Bay Air, Inc., shall provide the Department's Air Carrier Fitness Division with a detailed progress report on its operations. The 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), a summary of how these operations have changed during the year, a discussion of any changes it anticipates from its current operations during its second year, current financial statements,² and a listing of current senior management and key technical personnel.³
3. We will serve a copy of this order on the persons listed in Attachment A.

Persons entitled to petition the Department for a review of this order under the Department's Regulations, 14 CFR 385.50, may file their petitions within 10 days of the date of this order.

The action taken here is effective immediately and the filing of a petition for review shall not alter its effectiveness.

By:

RANDALL BENNETT
Acting Director
Office of Aviation Analysis

(SEAL)

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

² These financial statements should include a balance sheet as of the end of the company's first full year of certificated operations and a 12-month income statement ending that same date.

³ The carrier should also be prepared to meet with staff members of the Fitness Division to discuss its current and future operations.



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

(as reissued)

This Certifies That

SMOKEY BAY AIR, INC.

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

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

By Direction of the Secretary

Issued by Order 2000-7-26

On July 24, 2000

Effective on July 19, 2000

Randall D. Bennett

Acting Director

Office of Aviation Analysis



Terms, Conditions, and Limitations

SMOKEY BAY AIR, INC.

is authorized to engage in interstate charter air transportation of persons, 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 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.*
- (2) The holder may not operate aircraft designed to have a maximum passenger capacity of more than nine seats. In the event that the holder wishes to institute operations with aircraft having a larger capacity, it must first be determined fit for such operations.*
- (3) The holder may not operate more than three aircraft. In the event that the holder wishes to conduct operations utilizing more than three aircraft, it must first be determined fit for such operations.*
- (4) The holder's authority is effective only to the extent that such operations are also authorized by the Federal Aviation Administration.*
- (5) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).*
- (6) 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.*

**This order is being reissued to reflect its effective date.*

(7) *The holder may reduce or terminate service at any point or between any two points, subject to compliance with the provisions of 49 U.S.C. 41734 and all orders and regulations issued by the Department of Transportation under that section.*

(8) *The holder may not provide scheduled passenger air transportation to or from Dallas (Love Field), Texas, except within the limits set forth in section 29 of the International Air Transportation Competition Act of 1979, as amended by section 337 of the Department of Transportation and Related Agencies Appropriations Act, 1998.*

(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 commences but subsequently ceases all operations for which it was found "fit, willing and able," its authority under this certificate 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.*

SMOKEY BAY AIR, INC.

Attachment A

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