

Served: September 15, 2000



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

Issued by the Department of Transportation
on the 12th day of September, 2000

In the matter of the reissuance of the interstate scheduled
passenger certificate of

AIRTRAN AIRWAYS, INC.

under 49 U.S.C. 41102

Docket OST-1998-4024 -13

ORDER REISSUING CERTIFICATE

AirTran Airways, Inc., holds a certificate authorizing it to engage in interstate scheduled air transportation of persons, property, and mail.¹ By Order 98-7-6, served July 8, 1998, the Department amended and reissued the interstate scheduled passenger certificates of the air carriers listed in Attachment A to that order to reflect changes in the types of operations that could be conducted to Dallas' Love Field and to reflect the current format for such certificates. Order 98-7-6 noted that the certificates of certain other carriers that were then undergoing continuing fitness reviews would be amended and reissued when those reviews were completed. *AirTran Airways* is one of the carriers that was undergoing an informal fitness review at the time Order 98-7-6 was issued.² That review was completed with no information received that would lead us to conclude that the carrier was not fit to hold its certificate. As an administrative matter, we are now reissuing *AirTran Airways'* certificate to reflect the "Love Field condition" and format currently used for other carriers holding similar authority.

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

1. We amend and reissue the interstate scheduled passenger certificate of *AirTran Airways, Inc.*, to reflect the current format for such certificates.

¹ See Order 94-11-19, issued November 30, 1994.

² At that time, the Department was reviewing *AirTran's* fitness in light of the carrier's then-recent acquisition by ValuJet, Inc., the parent company of then-ValuJet Airlines, Inc. ValuJet Airlines (which changed its name to *AirTran Airlines, Inc.*) and *AirTran Airways* subsequently merged, with *AirTran Airways* being the surviving carrier. The dormant certificate of *AirTran Airlines, Inc.*, was revoked by Order 2000-7-5, issued July 6, 2000.

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 date of service of this order.

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

By:

RANDALL D. BENNETT
Acting Director
Office of Aviation Analysis

(SEAL)



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

This Certifies That

AIRTRAN AIRWAYS, 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 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 2000-9-10
On September 12, 2000
Effective on September 12, 2000*

*Randall D. Bennett
Acting Director
Office of Aviation Analysis*

Attachment



Terms, Conditions, and Limitations

AIRTRAN AIRWAYS, INC.

is authorized to engage in interstate 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's authority under this certificate is effective only to the extent that such operations are also authorized by the Federal Aviation Administration.*
- (3) *The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).*
- (4) *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.*
- (5) *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.*
- (6) *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.*

* This certificate is being reissued to reflect the current format for such certificates and the change in the "Love Field" condition contained herein as a result of section 337 of the Department of Transportation and Related Agencies Appropriations Act, 1998, (P.L. 105-66, 111 Stat. 1425, 1447 (October 27, 1997)).

(7) 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.

(8) 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.