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ORDER 2000-11-8



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

Issued by the Department of Transportation
on the 9th day of November, 2000

Essential Air Service at

UTICA, NEW YORK

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

Served: November 15, 2000

Docket OST-2000-7556 - 5

ORDER EXTENDING SERVICE OBLIGATION

Summary

By this order, the Department of Transportation is extending CommutAir's service obligation at Utica, New York, for an additional 30 days, through December 18, 2000.¹

Background

On June 21, 2000, CommutAir, Inc., d/b/a US Airways Express (CommutAir), filed a 90-day notice of its intent to suspend all scheduled service at Utica, effective September 20, 2000. By Order 2000-9-5, September 13, 2000, the Department prohibited CommutAir from suspending service beyond the end of its 90-day notice period, through October 19, 2000, and requested proposals, with subsidy if necessary, from carriers interested in providing replacement service. As required by 49 U.S.C. 41734, we have extended Great Lakes' service obligation for additional 30-day periods, the latest through November 17, 2000, by Order 2000-10-15.

Since we have received no competing proposals, it is unlikely this case will be completed before the end of the current 30-day hold-in period. Thus, in accordance with 49 U.S.C. 41734(c), we will extend CommutAir's service obligation at Utica for an additional 30 days, or until replacement service actually begins, whichever occurs first.

This order is issued under authority assigned in 14 CFR 385.12(k)(5).

¹ The actual end-date for this 30-day hold-in period is December 17th, which is a Sunday. Therefore, December 18th will serve as the official end-date, making this a 31-day period.

ACCORDINGLY,

1. We require CommutAir, Inc., d/b/a US Airways Express, to maintain air service at Utica, New York, for an additional 30-day period through December 18, 2000, or until a carrier capable of providing reliable replacement service actually begins service, whichever occurs first;²
2. We direct Commutair, Inc., d/b/a US Airways Express, to retain all books, records, and other source and summary documentation to support subsidy claims for payment, and to preserve and maintain such documentation in a manner that readily permits its audit and examination by representatives of the Department. Such documentation shall be retained for seven years or until the Department indicates that the records may be destroyed. Copies of flight logs for aircraft sold or disposed of must be retained. The carrier may forfeit its compensation for any claim that is not supported under the terms of this order;
3. Docket OST-2000-7556 will remain open until further order of the Department; and
4. We will serve a copy of this order on the County Executive and Airport Manager of Oneida County, New York, the New York Department of Transportation, and CommutAir, Inc., d/b/a US Airways Express.

Persons entitled to petition the Department for review of this order under the Department's Regulations, 14 CFR 385.50, must file such petitions within ten (10) days after the date of service of this order.

This order will be effective immediately, and the filing of a petition for review shall not preclude its effectiveness.

By:

RANDALL D. 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>*

² In accordance with 49 U.S.C. 41734(c), we will extend CommutAir's service obligation for successive 30-day periods as necessary until replacement service actually begins.