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ORDER 2000-11-14

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

Issued by the Department of Transportation
on the 14TH day of November, 2000

Served: November 17, 2000

In the matter of the revocation of the interstate
scheduled passenger certificate issued to

LAKER AIRWAYS, INC.

in accordance with section 204.7 of the
Department's Regulations

Docket OST-95-771-20

ORDER REVOKING CERTIFICATE

Laker Airways, Inc., holds certificate authority under 49 U.S.C. 41102 to engage in interstate scheduled air transportation of persons, property, and mail.¹ The company conducted operations under its certificate authority until on or about November 5, 1999, when it ceased all operations.

Section 204.7 of the Department's Aviation Economic Regulations (14 CFR 204.7) provides that, if a carrier ceases conducting the operations for which it was found "fit, willing and able," its authority to conduct such operations is automatically suspended. As a result of its cessation of operations, in accordance with section 204.7 of our rules, Laker's authority was automatically suspended.²

Section 204.7 also provides that the authority granted to an air carrier shall be terminated if the carrier has not operated for a one-year period under any authority for which it was found fit. By letter dated August 7, 2000, we reminded Laker of the dormancy provisions of section 204.7 of our rules, and stated that, in accordance with the rule, we would revoke its certificate authority for reason of dormancy unless before

¹ See Order 98-7-6, served July 8, 1998. This order reissued to Laker the interstate scheduled certificate issued previously by Order 96-4-6, served April 3, 1996.

² The company was notified of this suspension by letter dated November 8, 1999.

November 5, 2000, we had received notification of the carrier's intent to have its fitness redetermined and to resume operations.

To date, the carrier has not filed any notice to resume operations. Further, Laker has not filed any request for an exemption from the revocation-for-dormancy provisions of our rules.

Therefore, under these circumstances and in accordance with section 204.7 of our rules, we have decided to revoke, for reason of dormancy, the section 41102 certificate issued to Laker authorizing it to engage in interstate scheduled passenger air transportation.³

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

1. We revoke the interstate scheduled passenger section 41102 certificate issued to Laker Airways, Inc., by Order 98-7-6 for reason of dormancy.
2. We will serve a copy of this order on the persons listed in Attachment A.

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.

This order shall be effective and become the final action of the Department of Transportation upon expiration of the above period unless, within such period, a petition for review is filed or the Department gives notice that it will review this order on its own motion.

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>*

³ Our action here is without prejudice to the company's filing for new certificate authority in the future.

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