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

Served: April 19, 2001

Issued by the Department of Transportation  
on the 16th day of April, 2001

Essential Air Service at  
**UTICA, NEW YORK**  
Under 49 U.S.C. 41731 *et seq.*

**Docket OST-2000-7556 - 20**

**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 May 18, 2001.

**Background**

On June 21, 2000, CommutAir, Inc.,<sup>1</sup> 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 CommutAir's service obligation for additional 30-day periods, the latest through April 18, 2001, by Order 2001-3-16.

By Order 2001-3-31, March 30, 2001, the Department selected CommutAir to provide essential air service at Utica to New York City (JFK) for a two-year period. We anticipate this service to begin on or about April 23, 2001. CommutAir is currently being held-in to provide service to Boston through April 18, 2001. 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 the new service pattern actually begins, whichever occurs first.

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

<sup>1</sup> At the time of CommutAir's filing, it operated as USAirways Express. As of December 2, 2000, the carrier has operated as Continental Connection.

**ACCORDINGLY,**

1. We require CommutAir, Inc., d/b/a Continental Connection, to maintain air service at Utica, New York, as set forth in Appendix C of Order 2000-12-20, for an additional 30-day period through May 18, 2001, or until the new service pattern actually begins, whichever occurs first;<sup>2</sup>

2. We direct Commutair, Inc., d/b/a Continental Connection, 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 Continental Connection.

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**  
Director  
Office of Aviation Analysis

(SEAL)

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

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<sup>2</sup> 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.