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Order 2002-4-16

Served: April 23, 2002



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

Issued by the Department of Transportation
on the 18th day of April, 2002

In the matter of the revocation of the interstate
scheduled air transportation certificate issued to

ACCESSAIR, INC.

pursuant to the provisions of section 204.7 of the
Department's Regulations

Docket OST-96-1926-17

ORDER REVOKING CERTIFICATE

AccessAir Holdings, Inc. (Holdings) was issued a certificate of public convenience and necessity to provide interstate scheduled passenger air transportation by Order 97-7-1, July 8, 1997. On March 29, 1999, by Order 99-3-31, the carrier's certificate was transferred to AccessAir, Inc., Holdings' wholly owned subsidiary, at which time the authority was made effective. AccessAir filed for Chapter 11 bankruptcy on November 29, 1999, but continued to operate. The carrier ceased its scheduled operations on February 27, 2001. On April 19, 2001, the carrier ceased its remaining charter operations. On May 17, 2001, AccessAir's Chapter 11 (reorganization) proceeding was converted to Chapter 7 (liquidation).

Section 204.7 of the Department's Aviation Economic Regulations (14 CFR 204.7) provides that, if a company ceases the air transportation operations for which it was found fit, it may not resume nor advertise such services until its fitness to do so has been redetermined by the Department. Section 204.7 further provides that, if a carrier does not have its fitness redetermined and resume operations within one year of the date of its cessation, its economic authority will be revoked for dormancy. Thus, under our rules, AccessAir had until April 19, 2002, to have its fitness redetermined and resume operations. By letters dated April 26, 2001, and January 23, 2002, we reminded Accessair of the revocation-for-dormancy provisions of section 204.7.

It has now been one year since AccessAir ceased all air carrier operations. To date, the carrier has not filed an application to resume operations, nor do we have any other information that would lead us to conclude that it plans to do so. Under these circumstances, we will revoke, without prejudice, AccessAir's certificate for reason of dormancy.

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

1. We revoke the interstate scheduled certificate issued by Order 97-7-1 to AccessAir, Inc.

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 the 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
Director
Office of Aviation Analysis

(SEAL)

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

ATTACHMENT A

SERVICE LIST FOR ACCESSAIR, INC.

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