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

Order 2001-8-23

Served: August 29, 2001

Issued by the Department of Transportation
on the 24th day of August, 2001

Application of

**EXPRESSJET AIRLINES, INC.
(formerly Continental Express, Inc.)**

Docket OST-01-10290 - 3

for reissuance of its certificate of public convenience and
necessity under 14 CFR Part 215

**ORDER REISSUING CERTIFICATE
AND REGISTERING TRADE NAME**

Continental Express, Inc., holds a certificate authorizing it to engage in interstate scheduled passenger air transportation of persons, property, and mail.¹ The carrier primarily provides scheduled passenger services in connection with its parent, Continental Airlines (Continental). By application filed on July 30, 2001, in the above docket, the applicant states that it recently changed its corporate name to "ExpressJet Airlines, Inc." (ExpressJet), although it continues to use the "Continental Express" trade name in its air carrier services. As a result of the change in its corporate name, Continental Express requests that we reissue its certificate in the name of "ExpressJet Airlines, Inc.," and reflect its trade name, "Continental Express."

No answers to the application were filed.

Part 215 of the Department's regulations provides that any carrier wishing to change its name must first register that name with the Department. The rule further provides that the Department may register such name after the carrier gives notification to similarly named carriers of the proposed use of the name. In this case, the applicant advised four carriers identified as having similar names--Express Airlines I, Express.Net Airlines, Express Air, and Express One International--of its new name. Having complied with the provisions of Part 215, we will grant the carrier's request and reissue its certificate to reflect the new corporate name.

¹ See Order 98-7-6, issued July 8, 1998.

ACCORDINGLY, acting under authority assigned by the Department in its Regulations, 14 CFR 385.12:

1. We reissue in the attached form the interstate scheduled passenger certificate issued to Continental Express, Inc., by Order 98-7-6, to ExpressJet Airlines, Inc. d/b/a Continental Express.²
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 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 is effective immediately, and the filing of a petition for review shall not alter 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>*

² In addition, we consider the following U.S.-Mexico designation and code-share authority granted to Continental Express, Inc., by the Department to be reissued in the ExpressJet Airlines, Inc. d/b/a Continental Express name: Houston-Zacatecas (approved March 21, 2001, undocketed); Houston-Leon (approved September 13, 2000, undocketed); Houston-Monterrey/Guadalajara (approved dated June 15, 2000, undocketed); Houston-Ixtapa/Zihuatanejo (approved dated April 25, 2000, undocketed); Houston-San Luis Potosi/Aguascalientes/Puebla (approved February 1, 2000, undocketed); Houston-Mazatlan (approved January 6, 2000, undocketed); Houston-Chihuahua/Salttillo/Torreon (approved April 1, 1999, undocketed); and Houston-Tampico (approved January 14, 1998, undocketed).



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

(as reissued)

This Certifies That

**EXPRESSJET AIRLINES, INC.
d/b/a CONTINENTAL EXPRESS**

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 2001-8-23

On August 24, 2001

Effective on August 24, 2001

Randall D. Bennett

Director

Office of Aviation Analysis



Terms, Conditions, and Limitations

**EXPRESSJET AIRLINES, INC.
d/b/a CONTINENTAL EXPRESS**

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 is effective only to the extent that such operations are also authorized by the Federal Aviation Administration (FAA), and comply with all FAA requirements concerning security.*
- (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.*

**This certificate is being reissued to reflect the carrier's change in name from Continental Express, Inc., to ExpressJet Airlines, Inc., and to reflect the use of the trade name, Continental Express.*

(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.*

(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.*

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