



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

Issued by the Department of Transportation
on the **27th day of December, 2001**

Applications of

**BRENDAN AIR, LLC
d/b/a BRENDAN AIRWAYS
d/b/a USA 3000**

**Dockets OST-00-8029
OST-00-8030**

for certificates of public convenience and necessity under
49 U.S.C. 41102 to engage in interstate and foreign
scheduled air transportation of persons, property, and mail

**ORDER ISSUING EFFECTIVE CERTIFICATES
AND CONFIRMING ORAL ACTION**

Summary

By this order, we (1) confirm our oral action taken with respect to Brendan Airways, LLC d/b/a USA 3000 Airlines¹ and (2) reissue to the carrier its section 41102 certificates authorizing it to engage in interstate and foreign scheduled air transportation to reflect their effective date.

Background

By Order 2001-5-2 served May 8, 2001, the Department found that Brendan was fit, willing, and able to conduct interstate and foreign scheduled passenger air transportation and issued to it a certificate authorizing it to engage in interstate operations. Subsequently, by Order 2001-5-8, served May 14, 2001, we issued to Brendan a certificate authorizing it to engage in foreign scheduled passenger operations.

¹ Subsequent to its initial applications, Brendan Air, LLC, changed its corporate name to Brendan Airways, LLC. The company provided evidence of this name change on December 21, 2001. In addition, the company has indicated that it now intends to conduct its operations under the trade name "USA 3000 Airlines." As a result, the certificates, that we are reissuing by this order, will reflect the change in Brendan's corporate and trade names.

The authority granted by these certificates was to become effective on the sixth (business) day after we had received, among other things, a copy of Brendan's Air Carrier Certificate and Operations Specifications from the Federal Aviation Administration (FAA) authorizing it to engage in scheduled passenger service and a description of any fitness-related changes the company had undergone since the date of the show cause order in this case (*see* Order 2001-4-22, served April 18, 2001).

On November 13, 16, and 19, 2001, Brendan submitted a statement, and supporting documentation, regarding fitness-related changes it had undergone² and requested that the Department waive the standard six-day waiting period and make its certificates effective immediately upon its submission of the required FAA documents, which it expected to receive in the near future.

In its statement of fitness-related changes, Brendan noted that it had undergone a change in its Director of Safety.³ Specifically, Mr. Steve W. Wilson, an Airline Transport Pilot with over 22 years of aviation experience, had joined Brendan in June 2001 as its Director of Safety. Prior to joining Brendan, Mr. Wilson had served for five years as Director of Operations of Access Air (1999-2001) and Sun Pacific (1996-1999). In addition, Mr. Wilson had also previously served as Chief Pilot for Pacific International Airlines and Key Airlines, and as a pilot with US Africa Airways and Sun Jet International Airlines.

On December 21, 2001, Brendan supplied evidence that it had received the appropriate authority from the FAA to engage in scheduled passenger operations. As a result, we advised the carrier on that same date that we were making its certificate authority effective immediately. By this order, we confirm that action and reissue to Brendan its section 41102 certificates to reflect their December 21, 2001, effective date.

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

1. We confirm our oral action of December 21, 2001, making the section 41102 interstate and foreign scheduled certificate authority issued to Brendan Airways, LLC d/b/a USA 3000 Airlines effective on that same date.
2. We reissue to Brendan Airways, LLC d/b/a USA 3000 Airlines the interstate and foreign scheduled passenger section 41102 certificates issued to it by Orders 2001-5-2 and 2001-5-8, respectively, in the attached form to reflect their effective date.

² Brendan also submitted other documentation required before it could receive effective certificate authority. This documentation included evidence of liability insurance meeting the requirements of 14 CFR 205.5(b) for all of its aircraft; its Aviation Disaster Family Assistance Plan; its Passenger Manifest Policy; and updated financial documentation, including third-party verification of its available funds.

³ In addition, Brendan noted that Mr. James W. Short, Jr., had been hired as its Controller, with that position replacing the Chief Financial Officer position.

3. Should Brendan Airways, LLC d/b/a USA 3000 Airlines propose to operate more than five aircraft, we direct it to notify the Department in writing at least 45 days prior to the proposed operation and demonstrate its fitness to conduct such operations before their commencement.⁴
4. We direct Brendan Airways, LLC d/b/a USA 3000 Airlines to submit to the Air Carrier Fitness Division a first year progress report within 45 days following the end of its first year of certificated operations.⁵
5. 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.

The action confirmed in this order was effective when taken 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>*

⁴ This notice should be submitted to the Air Carrier Fitness Division. The carrier may contact the Air Carrier Fitness Division prior to submitting its notice to determine what fitness information must be provided.

⁵ The report shall include a description of the carrier's current operations (number and type of aircraft, principal markets served, total number of full-time and part-time employees), a summary of how these operations have changed during the year, a discussion of any changes it anticipates from its current operations during its second year, current financial statements, and a listing of current senior management and key technical personnel.



Certificate of Public Convenience and Necessity
for
Interstate Air Transportation

(as reissued)

This Certifies That

BRENDAN AIRWAYS, LLC
d/b/a USA 3000 AIRLINES

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 2001-12-22
On December 27, 2001
Effective on December 21, 2001

Randall D. Bennett
Director
Office of Aviation Analysis

**As reissued
by Order 2001-12-22
Attachment*



Terms, Conditions, and Limitations

**BRENDAN AIRWAYS, LLC
d/b/a USA 3000 AIRLINES**

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.*
- (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.*

**This certificate is being reissued to reflect its effective date and the change in the company's corporate and trade names from "Brendan Air, LLC d/b/a USA 3000" to "Brendan Airways, LLC. d/b/a USA 3000 Airlines."*

(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 ceases all operations for which is 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.*



Certificate of Public Convenience and Necessity
for
Foreign Air Transportation

Route 803

(as reissued)

This Certifies That

BRENDAN AIRWAYS, LLC
d/b/a USA 3000 AIRLINES

is authorized, subject to the provisions of Subtitle VII of Title 49 of the United States Code, the orders, rules, and regulations issued thereunder, and the attached Terms, Conditions, and Limitations, to engage in foreign 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 2001-12-22

On December 27, 2001

Effective on December 21, 2001

Randall D. Bennett

Director

Office of Aviation Analysis

**As reissued
by Order 2001-12-22
Attachment*



Terms, Conditions, and Limitations

**BRENDAN AIRWAYS, LLC
d/b/a USA 3000 AIRLINES**

is authorized to engage in foreign air transportation of persons, property, and mail:

Between a point or points in the United States and Aruba.

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 shall at all times conduct its operations in accordance with all treaties and agreements between the United States and other countries, and the exercise of the privileges granted by this certificate is subject to compliance with such treaties and agreements and with any order of the Department of Transportation issued under them. To the extent that the holder has authority to serve more than one country or points in more than one country on the same route segment, that authority does not confer upon the holder any additional rights (including fifth-freedom intermediate and/or beyond rights) in limited-entry markets unless the Department has completed any necessary carrier selection procedures to determine which carrier(s) should be authorized to exercise such rights and has notified the foreign country(ies) involved that any such selected carrier(s) has the required authority. In such cases, the fact that the carrier may hold authority to serve the countries (points) at issue on the same segment will not be considered as providing any preference to the holder in a carrier selection proceeding.*
- (3) The exercise of the authority granted here is subject to the holder's first obtaining from the appropriate foreign governments such operating rights as may be necessary.*

**This certificate is being reissued to reflect its effective date and the change in the company's corporate and trade names from "Brendan Air, LLC d/b/a USA 3000" to "Brendan Airways, LLC. d/b/a USA 3000 Airlines."*

- (4) *The holder's authority under this certificate 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.*
- (5) *The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).*
- (6) *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.*
- (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 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.*

SERVICE LIST FOR BRENDAN AIRWAYS

Attachment A

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