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Order 2002-2-16

Served: February 27, 2002



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

Issued by the Department of Transportation  
on the **22nd day of February, 2002**

In the matter of the revocation of the interstate scheduled air  
transportation certificate issued under 49 U.S.C. 41102 to

**LEGEND AIRLINES, INC.**

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

**Docket OST-98-3667-40**

**ORDER REVOKING CERTIFICATE**

Legend Airlines, Inc. (Legend) holds a certificate authorizing it to engage in interstate scheduled passenger air transportation.<sup>1</sup> The carrier operated under its certificate from April 2000 until February 9, 2001.<sup>2</sup>

Section 204.7 of our rules (14 CFR 204.7) provides that, if a carrier 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 operating authority will be revoked for dormancy. Thus, under our rules, Legend had until February 9, 2002, to have its fitness redetermined and resume operations. By letters dated February 9 and November 7, 2001, we reminded Legend of the revocation-for-dormancy provisions of section 204.7.

It has now been over one year since Legend 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 resume operations any time soon.<sup>3</sup> Under these circumstances, we will revoke, without prejudice, Legend's certificate for reason of dormancy.

<sup>1</sup> See Order 98-12-29, issued December 22, 1998.

<sup>2</sup> Legend's certificate authority became effective on April 4, 2000. On December 3, 2000, Legend ceased all scheduled passenger services and filed for protection under Chapter 11 of the U.S. Bankruptcy Code. Initially, the carrier continued to conduct some charter flights. However, by February 9, 2001, the carrier had ceased all air transportation operations.

<sup>3</sup> Legend's bankruptcy proceeding has been changed from Chapter 11 (reorganization) to Chapter 7 (liquidation).

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

1. We revoke the interstate scheduled certificate issued to Legend Airlines, Inc., by Order 98-12-29.
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 service date of this order.

This order shall become 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**  
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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