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Order 2001-1-5

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

**Issued by the Department of Transportation
on the 5th day of January, 2001**

Served: January 10, 2001

Joint application of

**PARADISE ISLAND AIRLINES, INC.
and
POTOMAC AIR, INC.**

Docket OST-00-7920-9

for approval of a transfer of commuter authority under 49
U.S.C. 41105

**ORDER ISSUING EFFECTIVE COMMUTER AIR CARRIER AUTHORIZATION
AND CONFIRMING ORAL ACTION**

Summary

By this order, we (1) confirm our oral action taken with respect to Potomac Air, Inc. d/b/a US Airways Express and (2) reissue to the carrier its Commuter Air Carrier Authorization authorizing it to engage in scheduled passenger operations as a commuter air carrier to reflect its effective date.

Background

By Order 2000-12-3, served December 4, 2000, the Department found that Potomac was fit, willing, and able to conduct scheduled passenger air transportation as a commuter air carrier and transferred to it the commuter authority previously issued to Paradise Island Airlines, Inc.

The transferred commuter authority was to become effective on the sixth (business) day after we had received, among other things, a copy of Potomac's Air Carrier Certificate and Operations Specifications from the Federal Aviation Administration (FAA) authorizing it to engage in scheduled passenger operations, a description of any fitness-related changes the company had undergone since the date of the show cause order in this case, and evidence that the company had obtained liability insurance coverage meeting the requirements of 14 CFR 205.5(b) for all of its aircraft.

On December 14, 2000, Potomac submitted a statement indicating that it had not undergone any fitness-related changes, the required evidence of insurance, and some, but not all, of the

required documents relative to its FAA authority.¹ At that time, the company indicated that it would submit the remaining FAA documents as soon as they were issued and requested that the Department waive the standard six-day waiting period and make its commuter authority effective immediately upon its submission of the outstanding documents. On January 4, 2001, Potomac supplied the final FAA documentation. We advised the carrier on that same date that we were making its commuter air carrier authority effective immediately. By this order, we confirm that action and reissue to Potomac its Commuter Air Carrier Authorization to reflect the January 4, 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 January 4, 2001, granting Potomac Air, Inc. d/b/a US Airways Express a waiver from the six-day waiting period and making its commuter air carrier authority effective on that same date.
2. We reissue to Potomac Air, Inc. d/b/a US Airways Express the Commuter Air Carrier Authorization transferred to it by Order 2000-12-3 in the attached form to reflect its effective date.
3. 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>*

¹ Potomac supplied a copy of its Air Carrier Certificate and a draft copy of its operations specifications.



Commuter Air Carrier Authorization

POTOMAC AIR, INC.
d/b/a US AIRWAYS EXPRESS

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 scheduled passenger air transportation operations as a commuter air carrier.

This authorization is not transferable without the approval of the Department of Transportation.

By Direction of the Secretary

*Issued by Order
On January 5, 2001
Effective on January 4, 2001*

*Randall D. Bennett
Director
Office of Aviation Analysis*

**As reissued by
Order 2001-1-5
Attachment*



Terms, Conditions, and Limitations

**POTOMAC AIR, INC.
d/b/a US AIRWAYS EXPRESS**

is authorized to engage in scheduled passenger air transportation operations as a commuter air carrier.

This authority is subject to the following provisions:

- (1) The holder shall at all times conduct its operations in accordance with the requirements of 14 CFR Part 298 and any other regulations prescribed by the Department of Transportation for the services authorized here, and with such other reasonable terms, conditions, and limitations as the Department of Transportation may prescribe in the public interest.*
- (2) The holder may not operate aircraft designed to have a maximum passenger capacity of more than 60 seats or a maximum payload capacity of more than 18,000 pounds.*
- (3) 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.*
- (4) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).*
- (5) The holder shall maintain in effect liability insurance coverage as required under 14 CFR Part 205. Failure to maintain such insurance coverage will render this authority 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 authority.*
- (6) The holder shall maintain in effect at all times with the Department of Transportation current information on OST Registration Form 4507.*
- (7) 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 authority is being reissued to reflect its effective date.*

- (8) *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.*
- (9) *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.*
- (10) *In the event that the holder commences but subsequently ceases all scheduled passenger operations, the authority granted here 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 such operations within one year of its cessation, its commuter authority shall be revoked for dormancy.*

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DOCKET OST-00-7920**

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