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Order 2001-5-2

Served: May 8, 2001



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

Issued by the Department of Transportation
on the 3rd day of May, 2001

Applications of

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

**Dockets OST-00-8029-7
OST-00-8030-6**

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

**FINAL ORDER MAKING FITNESS DETERMINATION AND
ISSUING INTERSTATE SCHEDULED CERTIFICATE**

By Order 2001-4-22 , issued April 17, 2001 , we directed all interested persons to show cause why we should not make final our tentative findings and conclusions stated in it and award certificates of public convenience and necessity to Brendan Air, LLC d/b/a Brendan Airways and d/b/a USA 3000 authorizing it to engage in interstate and foreign scheduled passenger air transportation. Interested persons were given 14 days to file objections to the order.

No objections to the show-cause order were received.

ACCORDINGLY,

1. We find that Brendan Air, LLC d/b/a Brendan Airways and d/b/a USA 3000 is fit, willing, and able to engage in interstate and foreign scheduled air transportation of persons, property, and mail.
2. We issue a certificate of public convenience and necessity to Brendan Air, LLC d/b/a Brendan Airways and d/b/a USA 3000 to engage in interstate scheduled air transportation in the form and subject to the Terms, Conditions, and Limitations attached.¹

¹ By this order, we issue only an interstate certificate to Brendan Air. Issuance of a foreign certificate is subject to Presidential review under 49 U.S.C. 41307 and will be handled in a separate order.

3. Should Brendan Air, LLC d/b/a Brendan Airways and d/b/a USA 3000 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.²

4. We direct Brendan Air, LLC d/b/a Brendan Airways and d/b/a USA 3000 to submit to the Air Carrier Fitness Division a first year progress report within 45 days following the end of its first year of actual flight operations.³

5. We will serve a copy of this order on the persons listed in Attachment A.

By:

SUSAN MCDERMOTT
Deputy Assistant Secretary for
Aviation and International Affairs

(SEAL)

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

² 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.

³ The report should 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, a listing of current senior management and key technical personnel, and current financial statements. These financial statements should include a balance sheet as of the end of the company's first full year of actual flight operations and a 12-month income statement ending that same day.



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

This Certifies That

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

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 2001-5-2
On May 3, 2001
Effective on (see attached)*

*Susan McDermott
Deputy Assistant Secretary for
Aviation and International Affairs*



Terms, Conditions, and Limitations

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

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 authority to operate under this certificate will not become effective until six (business) days after the Department has received the following documents; provided, however, that the Department may stay the effectiveness of this authority at any time prior to that date:*
 - (a) *A copy of the holder's Air Carrier Certificate and Operations Specifications authorizing such operations from the Federal Aviation Administration (FAA).*
 - (b) *A certificate of insurance on OST Form 6410 evidencing liability insurance coverage meeting the requirements of 14 CFR 205.5(b) for all of its aircraft.*
 - (c) *A statement of any changes the holder has undergone in its ownership, key personnel, operating plans, financial posture, or compliance history, since the date of the Show Cause Order in this case.*
 - (d) *A revised list of pre-operating expenses already paid and those remaining to be paid, as well as independent verification that the holder has available to it funds sufficient to cover any remaining pre-operating expenses and to provide a working capital reserve equal to the operating costs that would be incurred in three months of operations.*
 - (e) *A copy of the holder's Aviation Disaster Family Assistance Plan as required by 49 U.S.C. 41113 and a statement summarizing how it will collect passenger manifest information and submit it to the Department of State in the event of an aviation disaster as required under 14 CFR Part 243.*
- (2) *Pending receipt of effective authority, the holder may not accept payment of any kind (i.e., cash, check, or credit card) or issue tickets for the operations proposed under this certificate, and any advertisement or listing of flights by the holder must prominently state: "This service is subject to receipt of government operating authority."*
- (3) *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.

(4) The holder's authority is effective only to the extent that such operations are also authorized by the 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) In the event that the holder receives effective scheduled passenger authority, the following additional conditions will apply:

(a) 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.

(b) 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.

(8) 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.

(9) In the event that the holder does not commence actual flying operations under this certificate within one year of the date of the Department's determination of its fitness, its authority shall be revoked for dormancy, unless the holder is conducting operations under another type of certificate authority. Further, in the event that the holder commences operations for which it was found "fit, willing, and able" and subsequently ceases all such operations, its authority under all certificates held 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.

Attachment A

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

**MR JAMES KENNEY
PRESIDENT
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PRODUCT MANAGER
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**MR DONALD BRIGHT K-25
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