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Order 2001-5-6

Served: May 11, 2001

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

Issued by the Department of Transportation
on the 8th day of May, 2001

Application of

SUNAIR EXPRESS, LLC

for authority to engage in scheduled passenger
service as a commuter air carrier under section
49 U.S.C. 41738

Docket OST-00-8015-8

**ORDER CONFIRMING ORAL ACTION AND
ISSUING EFFECTIVE COMMUTER AUTHORITY**

Summary

By this order, we (1) confirm our oral action of April 27, 2001, making the commuter air carrier authority issued to SunAir Express, LLC effective on that date, and (2) reissue to the carrier its authority to engage in scheduled passenger service as a commuter air carrier to reflect its effective date.

Background

By Order 2001-4-25, issued April 19, 2001, the Department found SunAir fit to engage in scheduled passenger service as a commuter air carrier with aircraft designed to have a maximum passenger capacity of 30 seats or less and issued the company a Commuter Air Carrier Authorization to engage in such operations. However, the authority to operate under this authorization was not to become effective until six (business) days after the Department had received (1) a copy of SunAir's Air Carrier Certificate and Operations Specifications issued by the Federal Aviation Administration authorizing such operations, (2) a certificate of insurance evidencing liability insurance coverage meeting the requirements of section 205.5(b) of our rules, (3) updated fitness information

describing any changes SunAir may have undergone subsequent to the issuance of the show-cause order in this proceeding,¹ and (4) evidence that SunAir continued to have sufficient funding to meet our financial fitness criteria.

On April 19, 2001, we received a certificate of insurance and a copy of SunAir's Air Carrier Certificate and Operations Specifications issued by the FAA. The carrier also provided a revised list of pre-operating expenses, a statement from its bank which showed sufficient funds to meet the Department's financial fitness criteria and a statement that there had been no change in ownership, key personnel, operating plans or compliance history since the issuance of the show-cause order. Upon review, we determined that revised information with respect to its insurance coverage and FAA authority was needed. We notified the carrier that the six-day review period for making its authority effective would not begin to run until this additional information was filed. On April 25, we received from the FAA a copy of the revised Operations Specifications. On April 27, we received a revised Form 6410 evidencing the proper insurance coverage.

Based on the above, we have determined that SunAir continues to be fit to provide scheduled passenger operations as a commuter air carrier. Therefore, on April 27, we notified SunAir that we were making its commuter authorization effective on that same date. By this order, we confirm our oral action and reissue to the carrier its commuter authorization to reflect its April 27, 2001, effective date.

ACCORDINGLY, Pursuant to authority assigned by the Department in its regulations, 14 CFR 385.12:

1. We confirm our oral action of April 27, 2001, making the section 41738 authority issued to SunAir Express, LLC to engage in scheduled passenger service as a commuter air carrier effective on that same date.
2. We reissue the Commuter Air Carrier Authorization issued to SunAir Express, LLC by Order 2001-4-25 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 to this order.

Persons entitled to petition the Department for review of this order under the Department's Regulations, 14 CFR 385.50, may file their petitions within 10 days of the service date of this order.

¹ See Order 2001-4-3 served April 4, 2001.

This order shall be effective immediately and the filing of a petition for review shall not preclude its effectiveness.

By:

RANDALL D. BENNETT
Director
Office of Aviation Analysis

(SEAL)

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<http://dms.dot.gov>*



Commuter Air Carrier Authorization

SUNAIR EXPRESS, LLC

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 2001-5-6
On May 8, 2001
Effective on April 27, 2001*

*Randall D. Bennett
Director
Office of Aviation Analysis*



Terms, Conditions, and Limitations

SUNAIR EXPRESS, LLC

s 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 30 seats. In the event that the holder wishes to institute operations with aircraft having a larger capacity, it must be determined fit for such operations.*
- (3) The holder's authority is effective only to the extent that such operations are also authorized by the Federal Aviation Administration 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.*

**This certificate is being reissued to reflect its effective date.*

- (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.*
- (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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