Order 2001-5-13

129190

Served: May 17, 2001

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

Issued by the Department of Transportation
on the 14th day of May, 2001

Essential Air Service at **OSHKOSH, WISCONSIN** Under 49 U.S.C. 41731 *et seq.*

Docket OST-1999-5712 -- 30

ORDER EXTENDING SERVICE OBLIGATION

Summary

By this order, the Department of Transportation is extending Great Lakes' service obligation at Oshkosh, Wisconsin, for another 30 days, through June 18, 2001.[1]

Background

On May 20, 1999, Great Lakes Aviation, Ltd., d/b/a United Express (Great Lakes), filed a 90-day notice of its intent to suspend its subsidy-free service at Oshkosh, Wisconsin, effective August 18, 1999. By Order 99-8-11, August 13, 1999, the Department prohibited Great Lakes from suspending service beyond the end of its 90-day notice period, through September 16, 1999, and requested proposals, with subsidy if necessary, from carriers interested in providing replacement service. As required by 49 U.S.C. 41734, we have extended Great Lakes' service obligation for additional 30-day periods, the latest through May 18, 2001, by Order 2001-4-9.

By Order 99-10-6, the Department established an annual subsidy rate of $460,392 for Great Lakes' hold-in service, until the Department takes further action. In the meantime, the community is exploring other service options for Oshkosh.

Since we have not yet received any proposals, this case will not be completed before the end of the current 30-day hold-in period. Thus, in accordance with 49 U.S.C. 41734(c), we will extend Great Lakes' service obligation at Oshkosh for an additional 30 days, or until replacement service actually begins, whichever occurs first.

This order is issued under authority assigned in 14 CFR 385.12(k)(5).

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[1] The actual end-date for this hold-in period (June 17th) falls on a Sunday; therefore, Monday, June 18th will serve as the official end-date. (See 14 CFR 302.16)

ACCORDINGLY,

1. We require Great Lakes Aviation, Ltd., d/b/a United Express, to maintain essential air service at Oshkosh, Wisconsin, as set forth in Appendix D of Order 99-8-11, for an additional 30-day period through June 18, 2001, or until a carrier capable of providing reliable replacement service actually begins service, whichever occurs first;[2]

2. We direct Great Lakes Aviation, Ltd., d/b/a United Express, to retain all books, records, and other source and summary documentation to support subsidy claims for payment, and to preserve and maintain such documentation in a manner that readily permits its audit and examination by representatives of the Department. Such documentation shall be retained for seven years or until the Department indicates that the records may be destroyed. Copies of flight logs for aircraft sold or disposed of must be retained. The carrier may forfeit its compensation for any claim that is not supported under the terms of this order;

3. Docket OST-1999-5712 will remain open until further order of the Department; and

4. We will serve a copy of this order on the Mayor and Airport Manager of Oshkosh, the Mayor of Chicago, the Chicago Department of Aviation, and Great Lakes Aviation, Ltd., d/b/a United Express.

Persons entitled to petition the Department for review of this order under the Department's Regulations, 14 CFR 385.50, must file such petitions within ten (10) days after the date of service of this order.

This order will 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

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[2] In accordance with 49 U.S.C. 41734(c), we will extend Great Lakes' service obligation for successive 30-day periods as necessary until replacement service actually begins.