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

Issued by the Department of Transportation  
on the 6th day of November, 2001

In the matter of the revocation of the interstate  
and foreign scheduled certificates issued to

**TOWER AIR, INC.**

in accordance with section 204.7 of the  
Department's Aviation Economic Regulations

**Dockets 41805  
48247  
48272  
48278  
49575  
OST-99-6382- 2**

**ORDER OF REVOCATION**

**Summary**

By this order, we are revoking the interstate scheduled certificate issued to Tower Air, Inc., for reason of dormancy.

**Background**

Tower Air, Inc., based in Jamaica, NY, holds certificate authority under 49 U.S.C. 41102 to engage in interstate and foreign scheduled air transportation of persons, property, and mail.<sup>1</sup> The company was found fit in 1983 and conducted scheduled and charter operations under its certificate authority until on or about October 10, 2000, when it ceased all operations.<sup>2</sup> Section 204.7 of the Department's Aviation Economic Regulations (14 CFR 204.7) provides that, if a carrier ceases conducting the operations for which it was found fit, willing and able, its authority to conduct such operations is automatically suspended. As a result of its cessation of operations, in accordance with section 204.7 of our rules, Tower's authority was automatically suspended.<sup>3</sup>

Section 204.7 also provides that the authority granted to an air carrier shall be terminated if the carrier has not operated for a one-year period under any authority for which it was found fit. By letter dated July 12, 2001, we reminded Tower of the dormancy provisions of section 204.7 of our rules, and stated that, in accordance with the rule, we would revoke its certificate authority

<sup>1</sup> See Order 98-7-6 (interstate) and Orders 93-4-39 (Route 641, between U.S. points and Hong Kong, Seoul and Taiwan); 95-1-41 (Route 401, between New York, NY, and Tel-Aviv, Brussels, Copenhagen, Oslo, the Netherlands, Stockholm and Gothenburg (Sweden) and India; between Miami, FL, and Copenhagen, Oslo, Gothenburg, and Stockholm; between Orlando, FL, and Copenhagen, Oslo, Stockholm; and between U.S. points and West Germany), and 97-1-10 (Route 731 between New York, NY, and London (Stansted)).

<sup>2</sup> On February 29, 2000, Tower filed for bankruptcy under Chapter 11 (reorganization). On December 20, 2000, the case was converted to Chapter 7 (liquidation).

<sup>3</sup> The company was notified of this suspension by letter dated October 11, 2000.

for reason of dormancy unless before October 10, 2001, we had received notification of the carrier's intent to have its fitness redetermined and to resume operations. To date, Tower has not filed any notice of its intent to resume operations, nor has it filed any request for a waiver from the revocation-for-dormancy provisions of our rules.<sup>4</sup>

Therefore, under these circumstances and in accordance with section 204.7 of our rules, we will revoke the interstate scheduled certificate issued to Tower by Order 98-7-6. Revocation of Tower's foreign certificate authority is subject to Presidential review under 49 U.S.C. 41307 and will be handled in a separate order.

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

1. We revoke the interstate scheduled section 41102 certificate issued to Tower Air, Inc., by Order 98-7-6 for reason of dormancy.<sup>5</sup>
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 the Department's Regulations, 14 CFR 385.30, may file their petitions within 10 days of the service date of this order.

This order shall be 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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<sup>4</sup> We note that Tower surrendered its Part 121 Air Carrier Certificate to the FAA on November 28, 2000.

<sup>5</sup> Order 98-7-6 reissued to Tower the interstate scheduled certificate issued previously by Order 84-3-7.

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