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Order 2000-1-28

Served: February 3, 2000

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

Issued by the Department of Transportation
on the 31st day of January, 2000

Essential Air Service at

GALLUP, NEW MEXICO

under 49 U.S.C. 41731 *et seq.*

Docket OST-1998-4706-14

ORDER EXTENDING SERVICE OBLIGATION

Summary
By this Order, the Department of Transportation is extending Mesa's service obligation at Gallup for another 30 days, through March 8, 2000.

Background
On November 4, 1998, Mesa Airlines, Inc., d/b/a America West Express, filed a 90-day notice of intent to suspend service at Gallup, New Mexico, as of February 3, 1999. By Order 99-2-1, February 5, 1999, the Department prohibited Mesa from suspending service at Gallup for 30 days beyond the end of the 90-day notice period, through March 5, 1999, and requested proposals from air carriers interested in providing replacement service at Gallup. By additional orders, most recently Order 99-12-30, December 29, 1999, the Department has extended Mesa's service obligation at Gallup through February 7, 2000. Mesa has submitted a proposal in response to the Department's solicitation, but it is unlikely that the selection proceeding will be completed before the end of Mesa's current 30-day hold-in period.

Decision
In accordance with 49 U.S.C. 41734(c), we will extend Mesa's service obligation at Gallup for an additional 30 days, through March 8, 2000, or until replacement service actually begins, whichever occurs first.

This order is issued under authority assigned in 14 CFR Part 385.

ACCORDINGLY

1. We require Mesa Airlines, Inc., d/b/a America West Express, to maintain essential air service at Gallup, New Mexico, as set forth in Appendix C of Order 99-2-1, for an additional 30-day period, through March 8, 2000, or until a carrier capable of providing reliable replacement service actually begins service, whichever occurs first;[1]

2. We direct Mesa Airlines, Inc., 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-1998-4706 shall 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 Gallup, New Mexico; the Governor of New Mexico; the Director of the New Mexico State Highway & Transportation Department; and Mesa Air Group.

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 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
Acting Director
Office of Aviation Analysis

(SEAL)

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