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ORDER 2000-12-7

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

Issued by the Department of Transportation
on the 7th day of December, 2000

In the matter of the cancellation of the interstate
and foreign charter certificates issued to

SKY KING, INC.

in accordance with section 204.7 of the
Department's Regulations

Served: December 12, 2000

**Dockets OST-97-3017-14
OST-97-3113-16**

ORDER CANCELING CERTIFICATE

Summary

By this order, we are canceling the interstate charter certificate issued to Sky King, Inc., for reason of dormancy.

Background

By Order 98-3-12, issued March 11, 1998, the Department tentatively found Sky King, Inc., fit, willing, and able to provide interstate and foreign charter air transportation of persons, property, and mail. By Order 98-3-26, served April 1, 1998, we made final our tentative findings and conclusions and issued an interstate charter certificate to Sky King. The carrier's foreign charter certificate authority was issued by Order 98-4-14, served April 17, 1998. The effectiveness of these certificates was conditioned upon Sky King's fulfilling a number of conditions, including providing us with a copy of its Air Carrier Certificate and Operations Specifications from the Federal Aviation Administration authorizing such operations and evidence that Sky King had available funds sufficient to meet the Department's financial fitness criteria.

Section 204.7 of the Department's Aviation Economic Regulations (14 CFR 204.7) provides that, if a company does not institute air transportation operations within one year of being found fit by the Department to do so, its economic authority will be terminated for reason of dormancy. Under this rule, Sky King's one-year period would have expired on April 1, 1999. However, prior to that date, the company requested and was granted a six-month extension of time (until October 1, 1999) from the one-year "use or lose" requirement of section 204.7. That extension was further extended based on various requests from the carrier until November

19, 2000. No request to extend the revocation-for-dormancy date past November 19, 2000, has been received.

Therefore, under these circumstances and in accordance with section 204.7 of our rules, we will cancel the interstate charter certificate issued to Sky King by Order 98-3-26. Cancellation of Sky King's foreign charter certificate 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 cancel the certificate of public convenience and necessity issued by Order 98-3-26 to Sky King, Inc., authorizing it to conduct interstate charter air transportation of persons, property, and mail.¹
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.

The action taken in this order shall be effective immediately and the filing of a petition for review shall not alter its effectiveness.

By:

RANDALL D. BENNETT
Acting Director
Office of Aviation Analysis

(SEAL)

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

¹ Our action here is without prejudice to the company's filing for new certificate authority in the future.

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