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ORDER 2000-10-11



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

Issued by the Department of Transportation  
on the 13th day of October, 2000

Served: October 18, 2000

Essential Air Service a

**AUGUSTA, GEORGIA**

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

**Docket OST-2000-7837-2**

**ORDER PERMITTING SUSPENSION OF SERVICE**

**Summary**

By this Order, the Department is permitting Delta Air Lines, Inc., to terminate all scheduled air service at Augusta, Georgia.

**Background**

On August 22, 2000, Delta Air Lines, Inc., (Delta) filed a 90-day notice of its intent to terminate all scheduled air service at Augusta, Georgia, effective December 1, 2000.<sup>1</sup> At Augusta, Delta currently operates three daily nonstop round trips to Atlanta with 142-seat MD-88 jet equipment. Delta filed notice under the Department's "one-third" rule: 14 CFR section 323.3(a)(5) of the Department's Aviation Economic Regulations requires carriers to file a 90-day notice if their proposed suspension of service would reduce the total number of passenger seats linking the affected community to the Federal Aviation Administration-designated hubs by 33 percent or more.

In support of its notice, Delta states that Augusta will continue to receive service well in excess of the community's essential air service level after the termination. In addition to Delta's service, Augusta currently receives service to Atlanta from Atlantic Southeast Airlines (ASA), a Delta Connection carrier, and to Charlotte from CCAir, a USAir Express carrier. ASA provides Augusta with six daily nonstop roundtrips to Atlanta--four round trips with 66-seat ATR-72 turboprop aircraft and two with 50-seat Canadair Regional jet (CRJ) aircraft. CCAir provides Augusta with eight nonstop round trips to Charlotte with a mix of 37-seat DH8 and 19-seat Jetstream aircraft.

<sup>1</sup> See Appendix A for a map.

According to Delta, concurrent with its termination of service at Augusta, ASA will increase its service to Atlanta to nine round trips a day—six with ATR-72's and three with CRJ's, and Comair (also a Delta Connection carrier) will start nonstop service with CRJ's to Cincinnati. Delta states that, after December 1, Augusta will receive at least 938 seats each weekday to and from the hub destinations of Atlanta, Charlotte and Cincinnati.

#### **Essential Air Service Determination**

By Order 84-2-40, the Civil Aeronautics Board set the essential air service determination for Augusta to require at least two daily round trips to Atlanta, providing sufficient capacity to accommodate 40 enplanements in each direction each day.

#### **Decision**

After reviewing this matter, we have decided to allow Delta to terminate service at Augusta, effective December 1, 2000, as scheduled. We note that, with the termination of service by Delta, even without the increase in service by ASA, or the new service to Cincinnati by Comair, the community will still have six nonstop round trips a day and a total of 396 fully dedicated seats each day to Atlanta, well above the frequency and capacity levels that the Essential Air Service program guarantees.

Under the Department's EAS guidelines, the maximum service we will guarantee is 80 seats a day, based on the assumption that the marketplace should be relied upon to respond to demand above that level (14 CFR Part 398). Thus, the remaining service at Augusta will substantially exceed the level of service required by the community's existing determination.

For these reasons, we do not find a sufficient basis to prohibit Delta from terminating its air service to Augusta following its 90-day notice period.

As a final matter, before it terminates service at Augusta, we will require Delta to contact all passengers holding reservations for flights that will be affected, to inform them of the termination and of the availability of existing service provided by other carriers, and to assist them in arranging alternative transportation.

This order is issued under authority delegated in 49 CFR 1.56a(f).

**ACCORDINGLY,**

1. We take no action to prohibit Delta Air Lines, Inc., from terminating all scheduled air service at Augusta, Georgia, as of December 1, 2000; and
2. We will serve a copy of this order on the mayor and airport manager of Augusta, the Georgia Department of Transportation, Delta Air Lines, CCAir, Atlantic Southeast Airlines, and Comair.

By:

**FRANCISCO J. SANCHEZ**  
Assistant Secretary for Aviation  
and International Affairs

(SEAL)

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

# Appendix A

