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Order 2001-2-13

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

Served: February 20, 2001

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

Essential Air Service at

UTICA, NEW YORK

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

Docket OST-2000-7556 - 14

ORDER EXTENDING SERVICE OBLIGATION

Summary

By this order, the Department of Transportation is extending CommutAir's service obligation at Utica, New York, for an additional 30 days, through March 19, 2001.¹

Background

On June 21, 2000, CommutAir, Inc.,² filed a 90-day notice of its intent to suspend all scheduled service at Utica, effective September 20, 2000. By Order 2000-9-5, September 13, 2000, the Department prohibited CommutAir from suspending service beyond the end of its 90-day notice period, through October 19, 2000, 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 CommutAir's service obligation for additional 30-day periods, the latest through February 16, 2001, by Order 2001-1-9.

Although we have received proposals for replacement service, it is unlikely this case will 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 CommutAir's service obligation at Utica 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).

¹ Since March 18th is a Sunday, this hold-in period will end on Monday, March 19th. (See 14 CFR 302.16)

² At the time of CommutAir's filing, it operated as USAirways Express. As of December 2, 2000, the carrier has operated as Continental Connection.

ACCORDINGLY,

1. We require CommutAir, Inc., d/b/a Continental Connection, to maintain air service at Utica, New York, for an additional 30-day period through March 19, 2001, or until a carrier capable of providing reliable replacement service actually begins service, whichever occurs first;³
2. We direct Commutair, Inc., d/b/a Continental Connection, 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-2000-7556 will remain open until further order of the Department; and
4. We will serve a copy of this order on the County Executive and Airport Manager of Oneida County, New York, the New York Department of Transportation, and CommutAir, Inc., d/b/a Continental Connection.

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

(SEAL)

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

³ In accordance with 49 U.S.C. 41734(c), we will extend CommutAir's service obligation for successive 30-day periods as necessary until replacement service actually begins.