



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 September, 2002

Essential air service at

MUSKEGON, MICHIGAN

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

Docket OST-2002-13260

ORDER ALLOWING SUSPENSION OF SERVICE
AND GRANTING EXEMPTION REQUEST

Background

On August 20, 2002, Great Lakes Aviation, Ltd., filed a 90-day notice of intent to suspend its scheduled service at Muskegon, Michigan, as of November 18, 2002, and a request for an exemption allowing it to suspend service on less than 90 days' notice, as of September 20, 2002.¹ Great Lakes operates three daily nonstop round trips between Muskegon and Chicago with 19-seat Beech 1900 aircraft. Muskegon also receives scheduled service by Mesaba Aviation, Inc., d/b/a Northwest Airlinck, which operates five nonstop round trips each weekday and eight each weekend to Detroit with 34-seat Saab SF 340 aircraft, and by Astral Aviation, Inc., d/b/a Midwest Express Connection/Skyway Airlines, which operates three nonstop round trips each weekday and two each weekend to Milwaukee with Beech 1900 aircraft.²

Muskegon's essential air service determination, as last established by Order 85-2-2, February 1, 1985, requires at least two daily nonstop or one-stop round trips to Chicago providing a minimum of 67 seats in each direction.³

¹ Great Lakes' filing is styled as a 30-day notice in which the carrier states that it intends to suspend service at Muskegon on September 20, 2002. Because Great Lakes' suspension would leave the community without service to its designated hub of Chicago, however, we are treating the carrier's filing as a 90-day notice under 49 U.S.C. 41734(a). We will, however, view Great Lakes' notice as also containing a request for an exemption allowing it to suspend service on less than 90 days' notice, as of September 20.

² See the Appendix for a map.

³ Order 85-2-2 established Muskegon's seat guarantee at 62, based on capacity sufficient to accommodate 40 enplanements a day at a 65-percent load factor: $40/.65 = 62$. However, the Airport and Airway Safety and Capacity Expansion Act of 1987, P.L. 100-223, subsequently changed the load-factor standard from 65 to 60 percent, and Muskegon's guarantee thus became 67 seats: $40/.60 = 67$.

Community Response

By letter dated September 5, 2002, the Director of the Muskegon County Airport states that the community does not object to Great Lakes' early suspension of service on September 20, provided that Great Lakes inform affected ticket-holders of the suspension, and either accommodate those travelers on other carriers or provide them with full refunds at no penalty, whichever they prefer.

Decision

We will allow Great Lakes to suspend service at Muskegon as of September 20. The community is amenable to Great Lakes' early suspension of service, provided normal protocol in such cases is observed, and our own review indicates that Muskegon will continue to receive ample service despite Great Lakes' suspension.

Before Great Lakes suspends service, however, we expect it to contact all passengers who hold reservations for flights that will be suspended, to inform them of the suspension and the availability of other services at the community, and to assist them in arranging alternate transportation without penalty.

We recognize that the remaining services are not operated to Chicago, which is designated as the community's hub by its essential air service determination. However, hub designations assume that service would not be available from the community to any other hubs. If other service is in fact available when one carrier files notice to suspend service, we consider whether the remaining service can meet the community's needs.⁴

In this case, we conclude that Northwest Airlinck's and Midwest Express Connection's services to two other large hubs will continue to provide Muskegon with ample access to the national air transportation network. Northwest Airlinck offers five round trips each weekday and eight each weekend to Detroit with 34-seat Saabs – a total of 170 seats each weekday and 272 each weekend. Midwest Express Connection offers three round trips each weekday and two each weekend to Milwaukee with 19-seat Beech 1900s – an additional 57 seats each weekday and 38 each weekend. The overall service available at Muskegon will clearly remain well above the level that the essential air service program is designed to maintain.

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

ACCORDINGLY,

1. We grant the request of Great Lakes Aviation, Ltd., for an exemption from the 90-day notice period required by 49 U.S.C. 41734(a) to the extent necessary to allow it to suspend service at Muskegon, Michigan, as of September 20, 2002;

⁴ See, for example, Orders 91-9-63, September 30, 1991, regarding Hancock/Houghton, Michigan; 98-3-17, March 18, 1998, regarding 11 Western communities; 2000-12-22, December 22, 2000, regarding Rhinelander, Wisconsin; and 2001-12-6, December 5, 2001, regarding Staunton, Virginia.

2. We will rely on the scheduled air services of Mesaba Aviation, Inc., d/b/a Northwest Airlink, and Astral Aviation, Inc., d/b/a Midwest Express Connection/Skyway Airlines, to meet the essential air service requirements of Muskegon, Michigan;
3. This docket will remain open until further order of the Department; and
4. We will serve copies of this order on the mayor and airport manager of Muskegon, Michigan; Great Lakes Aviation, Inc.; Mesaba Aviation, Inc., d/b/a Northwest Airlink; and Astral Aviation, Inc., d/b/a Midwest Express Connection/Skyway Airlines.

By:

READ C. VAN DE WATER
Assistant Secretary for Aviation
and International Affairs

(SEAL)

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MUSKEGON, MICHIGAN

