



Order 2002-10-10

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

Issued by the Department of Transportation
on the 4th day of October, 2002

Ninety-day notice of intent of

PINNACLE AIRLINES CORP.

to terminate service at Joplin, Missouri, under 49
U.S.C. 41731 *et seq.*

Served: October 9, 2002

Docket OST-2002-12784

ORDER ALLOWING SUSPENSION OF SERVICE

Summary

By this order, the Department is allowing Pinnacle Airlines Corp., d/b/a Northwest AirlinK (Pinnacle), to suspend its scheduled service at Joplin, Missouri, on or about October 8, 2002. (See Appendix A for map.)

Background

On July 11, 2002, Pinnacle Airlines Corp., filed a 90-day notice of its intent to suspend service at Joplin, Missouri, and requested a waiver of the 90-day notice requirement in order to allow it to suspend service on less than 90-days notice, effective September 3, 2002. Pinnacle currently operates two daily round trips to Memphis with 34-seat Saab SF340 aircraft. (Prior to September 3, one of the daily round trips was operated by Mesaba, another Northwest AirlinK carrier.)

Joplin also receives service to St. Louis provided by Trans States Airlines, d/b/a American Connection (Trans States). Trans States' service consists of five nonstop round trips a day with 29-seat Jetstream aircraft.

Order 86-5-39 defines Joplin's essential air service (EAS) determination as two daily nonstop round trips to Kansas City and two daily one-stop round trips to St. Louis, with a total of 67 seats inbound and 67 seats outbound.¹

¹ Order 86-5-39 established Joplin'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 Joplin's guarantee thus became 67 seats: $40/.60 = 67$.

Community Response

On July 17, 2002, the City of Joplin, owner of the Joplin Regional Airport, filed a response asking the Department to deny Pinnacle's request for a waiver of the 90-day notice requirement. The City stated that such cessation of service would create a substantial hardship upon the community and passengers, and, therefore, Pinnacle should continue to provide its current service for at least 90 days in order to provide services to passengers already holding tickets, decreasing any inconvenience created by its departure. The City also states that Pinnacle announced in a November 21, 2001, press release that it "had completed negotiations to transition its Memphis-based Saab 340 flying in early 2002." The City feels Pinnacle knew well before its notification of termination of service that it would be eliminating its Saab 340 fleet, the type used to serve Joplin, and had ample time to notify the City of its intended actions and still meet both its desired September 3 termination date as well as the Department's statutory 90-day notice requirement. Finally, the City states that the carrier should not now be rewarded for its poor planning, especially to the detriment of the City of Joplin and its traveling public.

Decision

After careful consideration, we have decided to allow Pinnacle to suspend service at Joplin, effective October 8, 2002. The Memphis hub that Pinnacle serves is not part of Joplin's EAS determination. Moreover, even without Pinnacle's service, Joplin will still receive Trans States' five nonstop round trips a day to St. Louis, providing 145 seats outbound and inbound, far in excess of Joplin's guarantee of 67 seats inbound and outbound each day. In this case, we conclude that Trans States' service to St. Louis will meet the core responsibility of the EAS program to provide Joplin a continuing link to the national air transportation system. Moreover, as a code-share partner of American Airlines, the major carrier at St. Louis, Trans States is able to offer Joplin travelers on-line connecting service through American's system. However, since the community strongly objected to Pinnacle's request for a waiver of the 90-day notice requirement, we will deny the request and require the carrier to continue to provide its current level of service at Joplin through the end of the notice period, October 8, 2002.

As a final matter, we expect Pinnacle, before suspending service, to contact all passengers who hold reservations for the flights to be suspended, to inform them of the suspension, and to assist them in arranging alternate transportation or to provide a refund of the ticket price, without penalty, if requested.

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

ACCORDINGLY,

1. We allow Pinnacle Airlines, Corp., d/b/a Northwest Airlink, to suspend its scheduled service at Joplin, Missouri, effective October 8, 2002;
2. We deny the Pinnacle's request for an exemption from the 90-day notice period required by 49 U.S.C 41734(a), and require the carrier to continue its current level of service through the end of the 90-day notice period, October 8, 2002;
3. We will rely on Trans States Airlines, d/b/a/ American Connection, to meet the EAS needs of Joplin, Missouri;

4. This docket will remain open until further order of the Department; and
5. We will serve a copy of this order on the parties listed in Docket OST-2002-12784.

By:

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

(SEAL)

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

JOPLIN, MISSOURI
AND SURROUNDING COMMUNITIES



• MEMPHIS