



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

Issued by the Department of Transportation
on the 23rd day of January, 2003

Application of

DELAWARE SKYWAYS, LLC

for a certificate of public convenience and necessity
under 49 U.S.C. 41102 to engage in charter air
transportation

Served: January 28, 2003

Docket OST-03-14213

ORDER DISMISSING APPLICATION

On January 7, 2003, Delaware Skyways, LLC, filed an application in Docket OST-03-14213 requesting that the Department issue it a certificate authorizing it to engage in interstate charter passenger operations.¹ A cursory review of Delaware Skyways' certificate application indicated that the operations it intended to perform--charter operations using a 4-seat Cessna 172--did not require that the company hold a certificate under 49 U.S.C. 41102 provided that it register as an air taxi operator under Part 298 of the Department's rules (14 CFR 298). Therefore, we contacted the company and advised it that rather than pursue its certificate application, it could choose to withdraw this application and register as an air taxi operator. As a result, on January 15, 2003, Delaware Skyways withdrew its application.²

In light of the above, we have decided to dismiss Delaware Skyways' application in Docket OST-03-14213 without prejudice to the company.

ACCORDINGLY, Acting under authority assigned by the Department in its regulations, 14 CFR 385.12:

¹ The application incorrectly sought to obtain both interstate and foreign charter certificate authority. Under our rules, separate applications are required for interstate and foreign certificate authority. As a result, the applicant was advised at the time of filing that its application would be treated as an application for interstate charter authority only.

² Delaware Skyways requested that the filing fee that accompanied its January 7 application be returned. According to the records of the Department's Docket Management Section, the check has been returned as requested.

1. We dismiss, without prejudice, the application filed in Docket OST-03-14213 by Delaware Skyways, LLC.

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 is effective immediately and the filing of a petition for review shall not alter 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>*

SERVICE LIST FOR DELAWARE SKYWAYS

Attachment A

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