

Served: February 26, 2003



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

Issued by the Department of Transportation  
on the 21<sup>st</sup> day of February, 2003

Notice of

**SUNRISE AIRLINES, INC.  
d/b/a FLAIR AIRLINES**

**Docket OST-2001-8695**

of intent to resume operations under 14 CFR 204.7

**ORDER DISMISSING APPLICATION  
AND REVOKING COMMUTER AIR CARRIER AUTHORITY**

By Order 91-12-45, issued December 30, 1991, the Department found Sunrise Airlines, Inc. (Sunrise) fit to engage in scheduled passenger air transportation operations as a commuter air carrier. It operated under its commuter authority until November 3, 2000, when it ceased those operations and filed for protection under Chapter 11 of the United States Bankruptcy Code. As a result of the cessation of its commuter operations, under section 204.7 of our rules (14 CFR 204.7), the carrier's commuter authority was automatically suspended. On January 16, 2001, Sunrise filed a notice under section 204.7 requesting approval to resume commuter operations.

By Order 2002-2-5, issued February 8, 2002, we tentatively found Sunrise fit to resume commuter services on a limited basis. Shortly thereafter, the Department received new information that had compliance-related implications for the company's fitness. At that time, we requested further information from Sunrise. Several months later, Sunrise responded and, at the same time, advised us that it had undergone changes in other fitness-related areas since the issuance of Order 2002-2-5. Sunrise advised us that it would file updated information relative to these changes in the above docket. When such information was not received, on July 10, 2002, we issued Order 2002-7-18 vacating our earlier tentative fitness finding. Although Sunrise subsequently filed updated fitness information, in December 2002, we were informally advised that the carrier had again undergone material changes in areas affecting its fitness. On February 14, 2003, Sunrise filed a motion requesting that its application be withdrawn.

We will grant the carrier's request and dismiss the notice to resume operations filed in Docket OST-2001-8695. At the same time, we will also revoke Sunrise's dormant commuter air carrier authority. In this regard, section 204.7 of our rules provides that, if a carrier ceases conducting the commuter operations for which it was found fit, it has one year from the date of cessation to resume those operations or its commuter authority can be revoked for dormancy. Sunrise ceased operations on November 3, 2000; thus, its one-year dormancy period expired on November 3, 2001. The carrier's notice to resume operations had the effect of staying the revocation date for its commuter authority. Given the carrier's withdrawal here of its notice to resume operations, there is no basis

for us to maintain Sunrise's authority in its dormant status. Should the carrier wish to provide commuter operations in the future, it can file a new application for such authority at that time.<sup>1</sup>

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

1. We dismiss, without prejudice, the Notice to Resume Operations filed by Sunrise Airlines, Inc., in Docket OST-2001-8695.
2. We revoke the Commuter Air Carrier authority issued to Sunrise Airlines, Inc., by Order 91-12-45.
3. 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 14 CFR 385.30, may file their petitions within 10 days of the service date of this order.

This order shall become the final action of the Department of Transportation upon expiration of the above period unless within such period a petition for review is filed or the Department gives notice that it will review this order on its own motion.

By:

**RANDALL D. BENNETT**  
Director  
Office of Aviation Analysis

(SEAL)

*A copy of this document can be found on the World Wide Web at:  
<http://dms.dot.gov>*

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<sup>1</sup> Our revocation of the carrier's commuter authority does not preclude Sunrise from providing other air taxi operations under its Part 298 air taxi authority so long as it maintains in effect the required liability insurance coverage and otherwise complies with all other applicable requirements of Part 298.

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