

Order 2003-2-15

Served: February 24, 2003



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

Issued by the Department of Transportation
on the **21st day of February, 2003**

Application of

MIDWEST EXPRESS AIRLINES, INC.

for reissuance of its certificate of public
convenience and necessity and exemption
authority

Docket OST-03-14445

ORDER REISSUING CERTIFICATE

Midwest Express Airlines, Inc. (Midwest Express), holds a certificate to engage in interstate air transportation of persons, property and mail. Midwest Express was originally issued effective certificate authority by Order 84-6-1. That certificate was reissued by Order 98-7-6. The carrier also possesses exemption authority to provide scheduled foreign air transportation between points in the United States and points in Canada.¹ On February 4, 2003, Midwest Express filed an application to reissue its certificate and exemption authority in the name of "Midwest Airlines, Inc.," with the temporary trade name "Midwest Express Airlines." The change in corporate name will be accomplished by an amendment to its articles of incorporation effective March 1, 2003.

The carrier states that this is a change in corporate name only and does not constitute a change in operations, substantial or otherwise. Although the carrier intends to change its corporate name, it anticipates that it will continue to trade as "Midwest Express" for an undefined period of time while it completes the transition to its new name. Thus, the carrier also seeks authority to use the trade name Midwest Express Airlines.

Part 215 of the Department's regulations provides that any carrier wishing to change its name must first register that name with the Department. The rule further states that the Department may register such name after the carrier gives notification to similarly named carriers of the proposed use of the name. In this case, there are no similarly named carriers.

¹ The exemption authority was last renewed on March 4, 2002, by Notice of Action Taken, Docket OST-2000-7287.

By this order, we reissue the certificate held by Midwest Express Airlines to reflect the change in corporate name effective as of March 1, 2003.

ACCORDINGLY, Pursuant to authority assigned by the Department in its regulations, 14 CFR 385.12:

1. We reissue the certificate issued to Midwest Express Airlines, Inc., by Order 98-7-6 to Midwest Airlines, Inc., in the form attached effective on March 1, 2003.²
2. We authorize Midwest Airlines, Inc., to use "Midwest Express Airlines" as a trade name.
3. We will serve a copy of this order on the persons listed in Attachment A to this order.

Persons entitled to petition the Department for review of this order under the Department's Regulations, 14 CFR 385.50, may file their petitions within 10 days of the service date of this order.

The action taken by 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>*

² We consider the exemption authority between the United States and Canada to be reissued to reflect the name change.



**Certificate of Public Convenience and
Necessity
for
Interstate Air Transportation**

This Certifies That

MIDWEST AIRLINES, INC.

is authorized, subject to the provisions of Subtitle VII of Title 49 of United States Code, the orders, rules, and regulations issued thereunder, and the attached Terms, Conditions, and Limitations, to engage in interstate air transportation of persons, property, and mail.

This Certificate is not transferable without the approval of the Department of Transportation.

Secretary By Direction of the

Issued by Order 2003-2-15
On February 21, 2003

Randall D. Bennett
Director

Effective on March 1, 2003
Analysis

Office of Aviation



Terms, Conditions, and
Limitations

MIDWEST AIRLINES, INC.

is authorized to engage in interstate air transportation of persons, property, and mail between any point in any State, territory, or possession of the United States or the District of Columbia, and any other point in any of those entities.

This authority is subject to the following provisions:

(1) The holder shall at all times conduct its operations in accordance with the regulations prescribed by the Department of Transportation for the services authorized by this certificate, and with such other reasonable terms, conditions, and limitations as the Department of Transportation may prescribe in the public interest.

(2) The holder's authority is effective only to the extent that such operations are also authorized by the Federal Aviation Administration (FAA), and comply with all Department of Transportation and Department of Homeland Security requirements concerning security.

(3) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).

(4) The holder shall maintain in effect liability insurance coverage as required under 14 CFR Part 205. Failure to maintain such insurance coverage will render a certificate ineffective, and this or other failure to comply with the provisions of Subtitle VII of Title 49 of the United States Code or the Department's regulations shall be sufficient grounds to revoke this certificate.

(5) The holder is authorized to conduct charter flights in interstate and/or foreign air transportation in accordance with the provisions of 14 CFR 212.

(6) The holder may reduce or terminate service at any point or between any two points, subject to compliance with the provisions of 49 U.S.C. 41734 and all orders and regulations issued by the Department of Transportation under that section.

*This certificate is being reissued to reflect a change in corporate name from Midwest Express Airlines, Inc. to Midwest Airlines, Inc.

(7) The holder may not provide scheduled passenger air transportation to or from Dallas (Love Field), Texas, except within the limits set forth in section 29 of the International Air Transportation Competition Act of 1979, as amended by section 337 of the Department of Transportation and Related Agencies Appropriations Act, 1998.

(8) Should the holder propose any substantial changes in its ownership, management, or operations (as that term is defined in 14 CFR 204.2(1)), it must first comply with the requirements of 14 CFR 204.5.

(9) In the event that the holder ceases all operations for which it was found "fit, willing and able," its authority under this certificate shall be suspended under the terms of 14 CFR 204.7 and the holder may neither recommence nor advertise such operations unless its fitness to do so has been redetermined by the Department. Moreover, if the holder does not resume operations within one year of its cessation, its authority shall be revoked for dormancy.

ATTACHMENT A

SERVICE LIST FOR MIDWEST EXPRESS AIRLINES, INC.

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