



Order 2003-2-18

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

Issued by the Department of Transportation
on the 24th day of February, 2003

Fitness Determination of

M&N AVIATION, INC.

as a commuter air carrier under section
49 U.S.C. 41738

Served: February 25, 2003

Docket OST-02-12358

ORDER ISSUING EFFECTIVE AUTHORITY

Summary

By this order, we reissue the commuter air carrier authorization issued to M&N Aviation, Inc., to reflect its effective date.

Background

By Order 2002-10-9, served September 19, 2002, the Department found that M&N Aviation, Inc., was fit to conduct scheduled passenger service as a commuter air carrier. Under the terms of Order 2002-10-9, the authority would become effective on the sixth (business day) after we had received (1) a copy of the carrier's Air Carrier Certificate and Operations Specifications from the Federal Aviation Administration (FAA) authorizing it to engage in scheduled passenger service, (2) evidence of liability insurance coverage that meets the requirements of section 205.5(b) for all its aircraft, (3) a statement of any changes it had undergone in areas affecting its fitness subsequent to the issuance date of the Show Cause Order in this case (Order 2002-9-17), and (4) updated financial information and evidence that the carrier still had available to it funds sufficient to meet the Department's financial fitness criteria.

On December 6, 2002, we received the required statement that the carrier had undergone no changes in ownership, key personnel, compliance history, operating plans or financial posture since issuance of the Show Cause Order. Further, M&N indicated that it had incurred no additional pre-operating costs in preparing to provide commuter service since it already operates on a limited on-demand basis in the carrier's prospective scheduled market. The carrier also provided an updated statement from its bank verifying that it had funds on deposit that were more than adequate to continue to meet the Department's financial fitness criteria.

On December 23, 2002, we received a copy of M&N's amended Operations Specifications reflecting FAA authority for scheduled passenger service as a commuter air carrier.

On February 13, 2003, we received a copy of the carrier's certificate of insurance meeting the requirements of section 205.5(b). Our review of all these documents was satisfactory and we,

therefore, concluded that no further action was required and that M&N Aviation's commuter authority could be made effective in less than six business days. The carrier was orally advised of this decision on February 20.

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

1. We reissue the Commuter Air Carrier Authorization issued to M&N Aviation, Inc., by Order 2002-10-9, in the attached form to reflect its effective date.
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 confirmed in this order was effective when taken 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>*



Commuter Air Carrier Authorization

(as reissued)

M&N AVIATION, INC.

is authorized, subject to the provisions of Subtitle VII of Title 49 of the United States Code, the orders, rules, and regulations issued thereunder, and the attached Terms, Conditions, and Limitations, to engage in scheduled passenger air transportation operations as a commuter air carrier.

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

By Direction of the
Secretary

Issued by Order 2003-2-18 Randall D. Bennett
On February 24, 2003 Director
Effective on February 20, 2003 Office of Aviation
Analysis



Terms, Conditions, and
Limitations

M&N AVIATION, INC.

is authorized to engage in scheduled passenger air transportation operations as a commuter air carrier.

This authority is subject to the following provisions:

(1) The holder shall at all times conduct its operations in accordance with the requirements of 14 CFR Part 298 and any other regulations prescribed by the Department of Transportation for the services authorized here, 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 limited to operations conducted pursuant to Part 135 of the Federal Aviation Regulations. In the event that the holder wishes to institute operations that would require Part 121 certification from the Federal Aviation Administration (FAA), it must first be determined fit for such operations.

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

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

(5) The holder shall maintain in effect liability insurance coverage as required under 14 CFR Part 205. Failure to maintain such insurance coverage will render this authority 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 authority.

(6) The holder shall maintain in effect at all times with the Department of Transportation current information on OST Registration Form 4507.

(7) 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 authority is being reissued to reflect its effective date.

(8) 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.

(9) 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.

(10) In the event that the holder commences but subsequently ceases all scheduled passenger operations, the authority granted here 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 such operations within one year of its cessation, its commuter authority shall be revoked for dormancy.

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