



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

Issued by the Department of Transportation  
on the 27<sup>th</sup> day of February, 2003

Application of

**SHUTTLE AMERICA CORPORATION**

for a disclaimer of jurisdiction or, alternatively,  
approval of the transfer of certificates under 49 U.S.C.  
41105

**Served: February 27, 2003**

**Docket OST-03-14554**

**ORDER DISCLAIMING JURISDICTION  
AND CONFIRMING ORAL ACTION**

**Summary**

By this order, we disclaim jurisdiction over the proposed reincorporation of Shuttle America Corporation (Shuttle America) from a Delaware corporation to an Indiana corporation.

**Request for Disclaimer**

Shuttle America is an operating interstate scheduled air carrier certificated under section 41102 of Title 49 of the United States Code (“the Transportation Code”).<sup>1</sup> It was established as a Delaware corporation in 1996. On February 20, 2003, Shuttle America filed an application in Docket OST-03-14554 requesting that the Department disclaim jurisdiction over the transfer of the operating authority held by it to a newly formed Indiana corporation.

Shuttle America states that the transfer of operating authority is necessary to complete an intra-corporate reorganization for business and tax purposes and will involve no change in management, ownership, control, operations, financial condition, or citizenship of the carrier. Under the reorganization, Shuttle America’s parent holding company (Shuttle Acquisition LLC) established a newly formed Indiana corporation into which Shuttle America will be merged, and the surviving company will also be called Shuttle America Corporation. The company has requested that the Department disclaim jurisdiction over this reorganization no later than February 27, 2003.

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<sup>1</sup> Shuttle America’s effective certificate was issued by Order 98-11-15 on November 13, 1998.

**Decision**

We have decided to disclaim jurisdiction over Shuttle America's reincorporation as an Indiana corporation. We have examined the information provided by Shuttle America in this proceeding and find that the proposed reincorporation will have no effect on the actual ownership, control, management, citizenship, financial condition, or operations of the carrier. In similar circumstances in the past, the Department has disclaimed jurisdiction based on the conclusion that such corporate reorganizations were found not to be transfers within the meaning of section 41105 of the Transportation Code.<sup>2</sup> We orally advised Shuttle America of this decision on February 26, 2003, which we confirm here.

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

1. We confirm our oral action of February 26, 2003, and disclaim jurisdiction over the reincorporation of Shuttle America Corporation, a Delaware corporation, to Shuttle America Corporation, an Indiana corporation.
2. 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 confirmed by 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>*

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<sup>2</sup> See, for example, Order 96-4-18.

**ATTACHMENT A**

**SERVICE LIST FOR SHUTTLE AMERICA CORPORATION**

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