



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

Issued by the Department of Transportation  
on the 5<sup>th</sup> day of June, 2003

Essential Air Service at

**VICTORIA, TEXAS**

under 49 U.S.C. 41731 *et seq.*

**Served: June 10, 2003**

**Docket OST-2003-14604**

**ORDER EXTENDING SERVICE OBLIGATION**

**Summary**

By this order, the Department of Transportation extends the service obligation of ExpressJet Airlines, Inc., d/b/a Continental Express (ExpressJet), at Victoria, Texas, for an additional 30 days, through [July 21, 2003](#).<sup>1</sup>

**Background**

On February 26, 2003, ExpressJet filed a 90-day notice of its intent to suspend its unsubsidized service at Victoria, effective May 31, 2003. By Order 2003-4-2, April 1, 2003, the Department prohibited ExpressJet from suspending service beyond the end of its 90-day notice period, through June 20, 2003, and requested proposals, with subsidy if necessary, from carriers interested in providing replacement service.

By Order 2003-6-1, June 2, 2003, the Department set a final subsidy rate for ExpressJet's "hold-in" service. This rate will be effective beginning June, 1, 2003, until further Department action.

Although we have received proposals, this case will not be completed by the end of this hold-in period. Thus, in accordance with 49 U.S.C. 41734(c), we must extend ExpressJet's service obligation at Victoria for an additional 30 days, or until suitable replacement service actually begins, whichever occurs first.

This order is issued under authority assigned in 14 CFR 385.12(k)(5).

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<sup>1</sup> Since July 20<sup>th</sup> is a Sunday, this hold-in period will end on Monday, July 21<sup>st</sup>. (See 14 CFR 302.08.)

**ACCORDINGLY,**

1. We require ExpressJet, Inc., to maintain essential air service at Victoria, Texas, consisting of 12 nonstop round trips a week to Houston, for an additional 30-day period through **July 21, 2003**, or until suitable replacement service actually begins, whichever occurs first;<sup>2</sup>
2. We direct ExpressJet to retain all books, records, and other source and summary documentation to support subsidy claims for payment, and to preserve and maintain such documentation in a manner that readily permits its audit and examination by representatives of the Department. Such documentation shall be retained for seven years or until the Department indicates that the records may be destroyed. Copies of flight logs for aircraft sold or disposed of must be retained. The carrier may forfeit its compensation for any claim that is not supported under the terms of this order;
3. Docket OST-2003-14604, will remain open until further order of the Department; and
4. We will serve a copy of this order on the Mayor and Airport Manager of Victoria, and ExpressJet Airlines.

Persons entitled to petition the Department for review of this order under the Department's Regulations, 14 CFR 385.50, must file such petitions within ten (10) days after the date of service of this order.

This order will be effective immediately, and the filing of a petition for review shall not preclude 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> In accordance with 49 U.S.C. 41734(c), we will extend ExpressJet's service obligation for successive 30-day periods, as necessary, until its proposed service actually begins.