



Order 2003-10-31

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

Issued by the Department of Transportation
on the 29th day of October, 2003

Applications of

AVIATION CONCEPTS, INC.

for certificates of public convenience and necessity under 49
U.S.C. 41102 to engage in interstate and foreign charter air
transportation of persons, property and mail

Served: November 3, 2003

**Dockets OST-03-15138
and
OST-03-15139**

**ORDER CONFIRMING ORAL ACTION
AND ISSUING EFFECTIVE CERTIFICATES**

Summary

By this order, we (1) confirm our oral action of October 23, 2003, making the interstate and foreign charter certificates issued to Aviation Concepts, Inc., effective on that date, and (2) reissue to Aviation Concepts its certificates of public convenience and necessity authorizing it to engage in interstate and foreign charter air transportation of persons, property, and mail to reflect their effective dates.

Background

By Order 2003-7-35, served July 30, 2003, the Department found Aviation Concepts fit to engage in interstate and foreign charter air transportation of persons, property, and mail and issued the company a certificate authorizing it to engage in interstate operations. By Order 2003-9-23, served September 30, 2003, we issued a companion certificate to Aviation Concepts authorizing it to engage in foreign charter air transportation. However, the authority to operate under these certificates was not to become effective until six (business) days after the Department had received (1) a copy of Aviation Concepts' Air Carrier Certificate and Operations Specifications issued by the Federal Aviation Administration (FAA) authorizing such operations, (2) a certificate of insurance evidencing liability insurance coverage meeting the requirements of section 205.5(b) of our rules, and (3) updated fitness information, including evidence that the carrier continues to have funding sufficient to meet our financial fitness criteria.

On September 22, Aviation Concepts filed updated fitness information. At the same time, it requested that the Department waive the six-day waiting period and make its

authority effective as soon as possible after receipt of the remaining documents required for issuance of effective authority. The material filed by Aviation Concepts showed that the company had undergone no significant changes in fitness areas.

Except as noted here, Aviation Concepts states that there have been no changes to its ownership, operating plans, or compliance disposition since the Department issued its Final Order on July 30.¹ The carrier has hired Philip D. Huebner as its Chief Pilot.² Mr. Huebner attended the Helena School of Aeronautics from 1961 to 1963, at which time he began his aviation career as an Airframe and Powerplant Mechanic with Severson Air Activities. Since that time, he has held positions ranging from flight engineer to captain with Frontier Airlines (1966-1986) and Continental Airlines (1986-2002). Mr. Huebner holds an FAA Airline Transport Pilot license and an Airframe and Powerplant Mechanic certificate, and has logged over 29,000 flight hours.

Aviation Concepts also submitted updated financial information which indicates that the carrier continues to have access to sufficient funds to meet the Department's financial fitness test. To meet our fitness test, Aviation Concepts requires \$654,209. It has provided third-party verification that it has access to approximately \$661,000.

Based on the above, we determined that Aviation Concepts continued to be fit to provide interstate and foreign charter air transportation. On September 26, we received a copy of Aviation Concepts' required certificate of insurance, and on October 23, we received a copy of its FAA operating authority. Our review of these documents was satisfactory.

Under the circumstances, we concluded that there was no reason not to grant the carrier the waiver it requested and make its authority effective prior to the expiration of the six-day waiting period. Thus, on October 23, we orally advised Aviation Concepts that we were making its interstate and foreign certificate authority effective on that date. By this order, we confirm our oral action and take this opportunity to reissue the carrier's certificates to reflect their effective dates.

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

1. We confirm our oral action of October 23, 2003, making the interstate and foreign charter passenger certificates issued to Aviation Concepts, Inc., by Orders 2003-7-35 and 2003-9-23, respectively, effective on that date and reissue the certificates in the attached form to reflect their effective dates.

¹ See Order 2003-7-35.

² Previously, Mr. Power Johnson held the positions of Director of Operations and Chief Pilot. Mr. Johnson will remain the Director of Operations.

2. We direct that, should Aviation Concepts, Inc., want to expand its fleet to more than three large aircraft,³ it must first provide the Department with 45-days' advance notice and demonstrate its fitness for such expansion.
3. We direct Aviation Concepts, Inc., to submit to the Air Carrier Fitness Division a first-year progress report within 45 days following the end of its first year of certificated operations.⁴
4. We will serve a copy of this order on the persons listed in Attachment A.

By:

RANDALL D. BENNETT
Director
Office of Aviation Analysis

*An electronic version of this document is available on the World Wide Web at
<http://dms.dot.gov>*

³ A "large" aircraft is any aircraft originally designed to have a maximum passenger capacity of more than 60 seats or a payload of more than 18,000 pounds, such as the Boeing Business Jet that Aviation Concepts proposes to operate.

⁴ The report shall include a description of Aviation Concepts' current operations (number and type of aircraft, principal markets served, total number of full-time and part-time employees), a summary of how these operations have changed during the year, a discussion of any changes it anticipates from its current operations during its second year, current financial statements (including a balance sheet at the end of its first year of flight operations and a 12-month income statement ending that same date), and a listing of current senior management and key technical personnel.



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

This Certifies That

**AVIATION CONCEPTS, INC.
(AS REISSUED)**

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 charter air transportation of persons, property, and mail.

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

By Direction of the
Secretary

Issued by Order 2003-10-31

Randall D. Bennett

Effective on October 23, 2003 Office of Aviation
Analysis



Terms, Conditions, and
Limitations

AVIATION CONCEPTS, INC.

is authorized to engage in interstate charter 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 to operate under this certificate is limited to operations conducted under Part 135 of the Federal Aviation Regulations.

(3) The holder's authority under this certificate is effective only to the extent that such operations are also authorized by the Federal Aviation Administration (FAA), and comply with all U.S. Government 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 a certificate ineffective, and this or other failure to comply with the

* This certificate is being reissued to reflect its effective date.

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.

(6) The holder is not authorized to engage in air transportation operations between points within the State of Alaska.

(7) 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.

(8) In the event that the holder commences operations for which it was found "fit, willing, and able" and subsequently ceases all such operations, its authority under all certificates held 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.



**Certificate of Public Convenience and
Necessity
for
Foreign Charter Air Transportation**

This Certifies That

**AVIATION CONCEPTS, INC.
(AS REISSUED)**

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 foreign charter air transportation of persons, property, and mail.

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

By Direction of the
Secretary

Issued by Order 2003-10-31
On October 29, 2003

Randall D. Bennett
Director

Effective on October 23, 2003 Office of Aviation
Analysis



Terms, Conditions, and
Limitations

AVIATION CONCEPTS, INC.

is authorized to engage in foreign charter air transportation of persons, property, and mail:

Between any place in the United States and any place outside thereof.

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 shall at all times conduct its operations in accordance with all treaties and agreements between the United States and other countries, and the exercise of the privileges granted by this certificate is subject to compliance with such treaties and agreements and with any orders of the Department of Transportation issued under them or for the purpose of requiring compliance with them.

(3) The exercise of the authority granted here is subject to the holder's first obtaining from the appropriate foreign governments such operating rights as may be necessary.

(4) The holder's authority to operate under this certificate is limited to operations conducted under Part 135 of the Federal Aviation Regulations.

* This certificate is being reissued to reflect its effective date.

(5) The holder's authority under this certificate is effective only to the extent that such operations are also authorized by the Federal Aviation Administration (FAA), and comply with all U.S. Government requirements concerning security.**

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

(7) 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.

(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 commences but subsequently 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.

** To assure compliance with all applicable U.S. Government requirements concerning security, the holder shall, before commencing any new service (including charter flights) to or from a foreign airport, contact its Principal Security Inspector (PSI) to advise the PSI of its plans and to find out whether the Transportation Security Administration has determined that security is adequate to allow such airport(s) to be served.

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