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Order 2004-1-8
Served: January 15, 2004



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

Issued by the Department of Transportation
on the 19th day of November, 2003

In the matter of the revocation of the foreign charter certificate
issued to

KITTY HAWK INTERNATIONAL, INC.

Docket OST-98-4881-3

pursuant to the provisions of section 204.7 of the Department's
Aviation Regulations

ORDER REVOKING FOREIGN CERTIFICATE

This Order revokes the foreign air transportation authority issued to Kitty Hawk International, Inc. (Kitty Hawk), by Order 99-12-7. In November 1997, Kitty Hawk, Inc. (KHI), the parent company of Kitty Hawk Air Cargo, Inc., purchased American International Airways, Inc. (AIA), from Connie Kalitta Services, Inc.¹ In that transaction, KHI acquired AIA's economic certificates, including authority to engage in interstate and foreign scheduled air transportation of cargo and interstate scheduled air transportation of passengers.² AIA's certificates were reissued to reflect a new corporate name, Kitty Hawk International, Inc., doing business as, American International Airways.

On May 1, 2000, KHI suspended Kitty Hawk operations after filing for bankruptcy protection under Chapter 11. Subsequent to the bankruptcy proceedings, KHI agreed to sell some of Kitty Hawk's assets, including the rights to its interstate scheduled certificate authority, to Kalitta Air, L.L.C (Kalitta Air). By Order 2000-11-3, we transferred Kitty Hawk's interstate authority to Kalitta Air. Since KHI did not request that we transfer Kitty Hawk's foreign operating authority³

¹ In September 1984 AIA ceased air carrier operations and was subsequently acquired by Mr. Conrad A. Kalitta. Mr. Kalitta also owned Connie Kalitta Services, Inc. (CKS), a certificated all-cargo carrier with domestic and foreign authority (Orders 84-4-35 and 84-11-45).

² By Order 81-11-78 AIA was authorized to engage in interstate, overseas, and foreign charter air transportation. When CKS purchased AIA, the carriers were merged together and CKS took the AIA corporate name. By Order 89-5-40, AIA, doing business as CKS, was later authorized to also conduct scheduled passenger air transportation. With this authority, AIA could also engage in worldwide charter air transportation of passengers and cargo.

³ Order 99-12-7, reissued on October 13, 1999, authorized Kitty Hawk to engage in foreign air transportation of property and mail for Route 677.

to Kalitta Air, that authority remained with Kitty Hawk. However, Kitty Hawk has not conducted operations under this authority since it ceased operations in 2000.

Section 204.7 of the Department's Aviation Regulations (14 CFR 204.7) provides that, if a carrier ceases the air transportation operations for which it was found fit, it may not resume nor advertise such services until its fitness to do so has been re-determined by the Department. Section 204.7 further provides that, if a carrier does not have its fitness re-determined and resume operations within one year of the date of its cessation, its certificate authority will be revoked for dormancy.

To date, Kitty Hawk has not filed an application to resume operations, nor do we have any other information that would lead us to conclude that it plans to resume operations. Under these circumstances, will revoke, without prejudice, Kitty Hawks' foreign certificate for reason of dormancy.

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

1. We revoke the certificate of public convenience and necessity issued by Order 99-12-7 to Kitty Hawk International, Inc., authorizing it to engage in foreign transportation of property and mail.
2. Unless disapproved by the President of the United States under 49 U.S.C. 41307, this order shall become effective on the 61st day after its submission for section 41307 review or upon the date of receipt of advice from the President or his designee under Executive Order 12597 and implementing regulations that he or she does not intend to disapprove the Department's order under that section, whichever occurs earlier.⁴
3. 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 14 CFR 385.30, may file their petitions within 10 days of the service date of this order.

The action taken in this order shall be effective immediately and the filing of a petition for review shall not alter its effectiveness.

⁴ This order was submitted for section 41307 review on November 19, 2003. On January 12, 2004, we received notification that the President's designee under Executive Order 12597 and implementing regulations did not intend to disapprove the Department's order.

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>*

SERVICE LIST FOR KITTY HAWK INTERNATIONAL, INC.

Mr. Robert W. Zoller, Jr.
President
Kitty Hawk, Inc.
1515 West 20th street
P.O. Box 612787
DFW Int'l Airport, TX 75261

MGR Flight Standards Div
FAA ASW-200
Southwest Region HQ
2601 Meacham Blvd.
Fort Worth, TX 76137

Manager
Flight Standards District Office
14800 Trinity Blvd., Suite 200
Centre Point Business Park
Fort Worth, TX 76115

Mr. Peter Lynch
Asst. Chief Counsel for
Enforcement, AGC-300
Federal Aviation Administration
800 Independence Avenue, S.W.
Washington, DC 20591

Mr. Richard Dutton
Asst. Manager, CSET, AFS-900
Federal Aviation Administration
45005 Aviation Drive
Suite 203B
Dulles, VA 20166-7537

Mr. Don Bright
Acting Director
Office of Airline Information, K-25
Department of Transportation
400 7th Street, S.W.
Washington, DC 20590

Assistant Chief Counsel
FAA ASW-7
Southwest Region HQ
2601 Meacham Blvd.
Fort Worth, TX 76137