



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

Issued by the Department of Transportation
on the 9th day of July, 2004

Served: July 14, 2004

Essential air service at

**EL DORADO/CAMDEN, ARKANSAS
JONESBORO, ARKANSAS
HARRISON, ARKANSAS
HOT SPRINGS, ARKANSAS
ENID, OKLAHOMA
PONCA CITY, OKLAHOMA
BROWNWOOD, TEXAS**

Docket OST-1997-2935

Docket OST-1997-2401

Docket OST-1997-2402

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

ORDER EXTENDING TIME FOR FILING OF OBJECTIONS

Background

By Order 2004-6-12, June 14, 2004, the Department requested interested persons to show cause why it should not terminate the essential air service subsidy eligibility of Enid and Ponca City, Oklahoma, and Brownwood, Texas, as of October 1, 2004, and allow Air Midwest, Inc., to suspend its subsidized services at those communities as of the same date.¹ The Department's tentative decision was based on a review indicating that subsidy at the three communities exceeds the statutory ceiling of \$200 per passenger; that those three communities are located within 210 miles of the nearest large or medium hub; and that, consequently, they are no longer eligible for subsidy to support their scheduled service. Under Order 2004-6-12, objections to the Department's tentative decision are due no later than 30 days after the order's service date -- *i.e.*, by July 19.

Request for Extension

In a letter dated July 1 on behalf of the Brownwood community, the Mayor of Brownwood has requested a 90-day extension of the time for filing objections. The community states that it questions the traffic data used by the Department to calculate its subsidy per passenger, and that the 30-day period allowed for objections is insufficient for it to provide traffic data of its own.

¹ The Department also tentatively decided to terminate the subsidy eligibility of Jonesboro, Arkansas, in Order 2004-6-12, but later withdraw its tentative decision insofar as Jonesboro was concerned by Order 2004-7-2, July 1, 2004.

The community further notes that the current subsidy contract of Air Midwest does not expire until September 30, "so it would appear that we could be granted additional time."²

Decision

We have decided to extend the time for the filing of objections by two weeks, until August 2. In Order 2004-6-12, we noted that the 30-day period we had decided to allow was actually 10 more days than we usually allow in such cases, and the additional two weeks we are granting here means that interested parties will have more than double the usual time for objections. Such time is far more than ample for preparing objections, and even more so for collecting traffic statistics which, in our experience, carriers and airport authorities normally have immediately at hand.

This order is issued under authority delegated in 14 CFR 385.12(k)(1).

ACCORDINGLY,

1. We extend the due date for the filing of objections to Order 2004-6-12 until August 2, 2004;
2. These dockets will remain open until further order of the Department; and
3. We will serve copies of this order on the mayors and airport managers of El Dorado/Camden, Jonesboro, Harrison and Hot Springs, Arkansas, Enid and Ponca City, Oklahoma, and Brownwood, Texas, and on Air Midwest, Inc.

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 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)

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on the World Wide Web at <http://dms.dot.gov>*

² In fact, a 90-day extension beyond July 19 would postpone the due date until October 18.