



**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 July, 2004

Application of

**FREEDOM AIRLINES, INC.  
d/b/a AMERICA WEST EXPRESS**

for a certificate of public convenience and necessity under  
49 U.S.C. 41102 to engage in interstate scheduled air  
transportation of persons, property, and mail

**Served: July 30, 2004**

**Docket OST-2001-11206**

**ORDER ISSUING CORRECTED CERTIFICATE**

By Order 2002-4-3, served April 4, 2002, the Department found Freedom Airlines, Inc. d/b/a America West Express (Freedom) fit, willing, and able to conduct interstate scheduled air transportation of persons, property, and mail, and issued Freedom a certificate authorizing such operations. Among the Terms, Conditions, and Limitations attached to that certificate was a requirement that the authority issued to Freedom was conditioned on the carrier's remaining a wholly owned subsidiary of Mesa Air Group.<sup>1</sup>

By Order 2002-10-38, served October 30, 2002, the Department reissued Freedom's certificate to reflect its effective date. It has recently come to our attention that, in reissuing the certificate in 2002, the Department failed to bring forward the above condition. Since it was not our intention to remove this requirement from Freedom's authority, by this order we are reissuing the carrier's certificate with the condition that Freedom remain a wholly owned subsidiary of Mesa Air Group included in it.<sup>2</sup>

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

1. We reissue the interstate scheduled passenger certificate of public convenience and necessity issued to Freedom Airlines, Inc. d/b/a America West Express by Order 2002-10-38 in the attached form to reinstate the requirement that Freedom remain a wholly owned subsidiary of Mesa Air Group, Inc.

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<sup>1</sup> See Condition (3) to the Terms, Conditions and Limitations.

<sup>2</sup> The reissued certificate also reflects the format currently used by the Department for such certificates, but imposes no new restrictions or requirements on the carrier.

2. We direct that, should Freedom Airlines, Inc. d/b/a America West Express propose to conduct operations with more than 24 aircraft or independent of a code-share agreement with another certificated air carrier, it must first notify the Department in writing at least 45-days prior to the proposed operations and demonstrate its fitness to conduct such operations before their commencement.<sup>3</sup>

3. 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>*

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<sup>3</sup> The Department initially required the carrier to provide such notice if it wanted to operate more than 12 aircraft. At the carrier's request, by letter dated May 21, 2003, we authorized Freedom to expand to as many as 24 aircraft.



*Certificate of Public Convenience and Necessity*  
*for*  
*Interstate Air Transportation*  
(as reissued)

*This Certifies That*

**FREEDOM AIRLINES, INC.**  
**d/b/a America West Express**

*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 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 2004-7-27*  
*On July 27, 2004*  
*Effective on July 27, 2004*

*Randall D. Bennett*  
*Director*  
*Office of Aviation Analysis*



*Terms, Conditions, and Limitations*

**FREEDOM AIRLINES, INC.  
d/b/a AMERICA WEST EXPRESS**

*is authorized to engage in interstate 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 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.\*\**
- (3) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).*
- (4) 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.*
- (5) The authority contained in this certificate is effective only so long as the holder remains a wholly owned subsidiary of Mesa Air Group, Inc.*
- (6) The holder is authorized to conduct charter flights in interstate and/or foreign air transportation in accordance with the provisions of 14 CFR 212.*

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\* This certificate is being reissued to include the condition requiring Freedom Airlines, Inc. to remain a wholly owned subsidiary of Mesa Air Group, Inc., and to reflect the format currently used for such certificates.

\*\* 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.

(7) *The holder may reduce or terminate service at any point or between any two points, subject to compliance with the provisions of 49 U.S.C. 41734 and all orders and regulations issued by the Department of Transportation under that section.*

(8) *The holder may not provide scheduled passenger air transportation to or from Dallas (Love Field), Texas, except within the limits set forth in section 29 of the International Air Transportation Competition Act of 1979, as amended by section 337 of the Department of Transportation and Related Agencies Appropriations Act, 1998.*

(9) *Should the holder propose any substantial changes in its ownership, management, or operations (as that term is defined in 14 CFR 204.2(l)), it must first comply with the requirements of 14 CFR 204.5.*

(10) *In the event that the holder commences but subsequently ceases all operations for which is 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.*

**SERVICE LIST FOR FREEDOM AIRLINES, INC.**

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