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Order 2004-10-20  
Served: October 29, 2004



**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, 2004

Applications of

**OMEGA AIR HOLDINGS, LLC d/b/a FOCUS AIR**

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

Dockets OST-2004-17311 - //  
and  
OST-2004-17312 - /3

**FINAL ORDER**

By Order 2004-10-6, issued October 14, 2004, we directed all interested persons to show cause why we should not make final our tentative findings and conclusions stated in it and award certificates of public convenience and necessity to Omega Air Holdings, LLC d/b/a Focus Air, authorizing it to engage in interstate and foreign charter air transportation of property and mail. Interested persons were given 14 calendar days to file objections to the order.

No objections to the show-cause order were received.

**ACCORDINGLY:**

1. We find that Omega Air Holdings, LLC d/b/a Focus Air is fit, willing, and able to engage in interstate and foreign charter air transportation of property and mail.
2. We issue a certificate of public convenience and necessity to Omega Air Holdings, LLC d/b/a Focus Air to engage in interstate cargo charter air transportation in the form and subject to the Terms, Conditions, and Limitations attached.<sup>1</sup>
3. Should Omega Air Holdings, LLC d/b/a Focus Air propose to operate more than two aircraft, we direct it to notify the Department in writing at least 45 days prior to the proposed operation and demonstrate its fitness to conduct such operations before their commencement.

<sup>1</sup> By this order, we issue only an interstate certificate to Omega Air Holdings, LLC d/b/a Focus Air. Issuance of a foreign certificate is subject to Presidential review under 49 U.S.C. 41307 and will be handled in a separate order.

4. We direct Omega Air Holdings, LLC d/b/a Focus Air 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.<sup>2</sup>

5. We will serve a copy of this order on the persons listed in Attachment A to this order.

By:

**KARAN K. BHATIA**  
Assistant Secretary for Aviation  
and International Affairs

*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> The report shall include a description of the carrier's 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, and a listing of current senior management and key technical personnel. The carrier should also be prepared to meet with staff members of the Fitness Division to discuss its current and future operations.



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

*This Certifies That*

**OMEGA AIR HOLDINGS, LLC  
d/b/a FOCUS AIR**

*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 interstate charter air transportation of property and mail.*

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

*By Direction of the Secretary*

*Issued by Order 2004-10-20  
On October 29, 2004  
Effective on (see attached)*

*Karan K. Bhatia  
Assistant Secretary for Aviation  
and International Affairs*



*Terms, Conditions, and Limitations*

**OMEGA AIR HOLDINGS, LLC  
d/b/a FOCUS AIR**

*is authorized to engage in interstate air transportation of 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 authority to operate under this certificate will not become effective until six (business) days after the Department has received the following documents; provided, however, that the Department may stay the effectiveness of this authority at any time prior to that date:*

*(a) A copy of the holder's Air Carrier Certificate and Operations Specifications authorizing such operations from the Federal Aviation Administration (FAA).*

*(b) A certificate of insurance on OST Form 6410 evidencing liability insurance coverage meeting the requirements of 14 CFR 205.5(b) for all of its aircraft.*

*(c) A statement of any changes the holder has undergone in its ownership, key personnel, operating plans, financial posture, or compliance history, since the date of the Show Cause Order in this case.*

*(d) A revised list of pre-operating expenses already paid and those remaining to be paid, as well as independent verification that the holder has available to it funds sufficient to cover any remaining pre-operating expenses and to provide a working capital reserve equal to the operating costs that would be incurred in three months of operations.*

*(2) Pending receipt of effective authority, the holder may not accept payment of any kind (i.e., cash, check, or credit card) or issue waybills for the operations proposed under this certificate, and any advertisement or listing of flights by the holder must prominently state: "This service is subject to receipt of government operating authority."*

*(3) 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.*

- (4) *The holder is not authorized to carry passengers (other than cargo attendants accompanying freight shipments).*
- (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) *The holder is authorized to conduct charter flights in interstate and/or foreign air transportation in accordance with the provisions of 14 CFR 212.*
- (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 does not commence actual flying operations under this certificate within one year of the date of the Department's determination of its fitness, its authority shall be revoked for dormancy, unless the holder is conducting operations under another type of certificate authority. Further, 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.*

## ATTACHMENT A

**SERVICE LIST FOR OMEGA AIR HOLDINGS, LLC d/b/a FOCUS AIR**

MR DAVID McELROY  
PRESIDENT & CEO  
OMEGA AIR HOLDINGS, LLC  
7330 OCEAN TERRACE  
SUITE 2202  
MIAMI, FL 33141

MR PATRICK R RIZZI  
COUNSEL FOR OMEGA AIR  
HOLDINGS, LLC  
O'MELVENY & MYERS LLP  
1625 EYE STREET, NW  
WASHINGTON DC 20006

MR LADD LEWIS  
POI FOR OMEGA AIR HOLDINGS,  
LLC  
FEDERAL AVIATION ADMIN  
1050 LEE WAGENER BLVD  
SUITE 201  
FORT LAUDERDALE, FL 33315

MR PETER J LYNCH  
ASST CHIEF COUNSEL FOR  
ENFORCEMENT, AGC-300  
FEDERAL AVIATION ADMIN  
800 INDEPENDENCE AVE SW  
WASHINGTON DC 20591

MR EDDIE L THOMAS  
REGIONAL COUNSEL  
FAA ASO-7  
SOUTHERN REGION HDQ  
1701 COLUMBIA AVE  
COLLEGE PARK, GA 30337

MR BILL WEAVER  
MGR FSDO  
FSDO-FLL-SO17  
FEDERAL AVIATION ADMIN  
1050 LEE WAGENER BLVD  
SUITE 201  
FORT LAUDERDALE, FL 33315

MS EILEEN M GLEIMER  
COUNSEL FOR OMEGA AIR, INC  
CROWELL & MORING LLP  
1001 PENNSYLVANIA AVE, NW  
WASHINGTON, DC 20004-2595

MS LORI AQUILINO  
CSET ASSISTANT MANAGER  
FAA SFO-IFO  
831 MITTEN ROAD  
SUITE 105  
BURLINGAME, CA 94010

MR DON BRIGHT K-14  
OFFICE OF AIRLINE INFO  
DEPT OF TRANSPORTATION  
400 7TH STREET SW  
ROOM 4125  
WASHINGTON DC 20590