

**Order 2004-11-1**  
**Served: November 4, 2004**



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

Issued by the Department of Transportation  
on the 4<sup>th</sup> day of November, 2004

Application of

**CHAUTAUQUA AIRLINES, INC.**

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

**Docket OST-2004-18638**

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

By Order 2004-9-19, issued September 20, 2004, the Department found Chautauqua Airlines, Inc. (Chautauqua), an operating commuter air carrier, fit to engage in interstate scheduled air transportation of persons, property, and mail using “large” aircraft.<sup>1</sup> The authority to operate under this certificate was to become effective on the sixth (business) day after the Department received (1) a copy of Chautauqua’s amended Operations Specifications issued by the Federal Aviation Administration (FAA) authorizing large aircraft operations, (2) evidence of liability insurance coverage meeting the requirements of Part 205 of our rules for such operations, and (3) updated fitness information.

On October 29, 2004, Chautauqua filed a copy of its amended FAA Operations Specifications, a copy of its certificate of insurance showing that it has liability coverage that meets the requirements of 14 CFR 205.5(b), and a statement indicating that the carrier had appointed a new Director of Operations, Mr. Bruce Gunberg,<sup>2</sup> and that Chautauqua had not undergone any other significant changes in the areas affecting its fitness since issuance of the Show Cause Order. At

<sup>1</sup> 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 EMB-170 aircraft Chautauqua intends to operate.

<sup>2</sup> In August 2004, the FAA approved Mr. Gunberg as the carrier’s Director of Operations. Mr. Gunberg holds an Airline Transport Pilot certificate. Before joining Chautauqua, he served as the Director of Operations for Great Lakes Aviation from December 2001 through May 2004. From 1974 through November 2001, Mr. Gunberg held various positions with Continental Express, including Director of Operations and Chief Pilot.

the same time, Chautauqua requested that the Department waive the six-day waiting period and make its authority effective immediately.

The information provided by Chautauqua 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 29, 2004, we orally advised the carrier that we were making its certificate authority effective immediately. By this order, we confirm our oral action of October 29 and reissue the carrier's certificate to reflect the effective date.

**ACCORDINGLY**, Acting under authority assigned by the Department in its Regulations 14 CFR 385.12(a)(2):

1. We confirm our oral action of October 29, 2004, making the section 41102 interstate scheduled certificate authority issued to Chautauqua Airlines, Inc., effective on that same date.
2. We reissue to Chautauqua Airlines, Inc., the section 41102 interstate scheduled passenger certificate issued to it by Order 2004-9-19 in the attached form to reflect its effective date.
3. We cancel the commuter authority issued to Chautauqua Airlines, Inc., by Order 81-7-42.
4. Should Chautauqua Airlines, Inc., propose to conduct operations with more than 20 large aircraft, we direct it to notify the Department in writing at least 45 days prior to the proposed change in operations and demonstrate its fitness to conduct such operations before their commencement.<sup>3</sup>
5. We direct Chautauqua Airlines, 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.<sup>4</sup>
5. 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.

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<sup>3</sup> This limitation does not in any way limit the number of small aircraft Chautauqua may utilize in performing its operations. A "small aircraft" is an aircraft originally designed to have a maximum capacity of no more than 60 seats or 18,000 pounds payload.

<sup>4</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 action confirmed in this order was effective when taken and the filing of a petition for review shall not alter its effectiveness.

By:

**RANDALL D. BENNETT**  
Director  
Office of Aviation Analysis

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<http://dms.dot.gov>*



**Certificate of Public Convenience and  
Necessity for  
Interstate Air Transportation  
(As Reissued)**

**This Certifies That**

**Chautauqua Airlines, Inc.**

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.

**Secretary**

**By Direction of the**

**Issued by Order 2004-11-1  
On November 4, 2004**

**Randall D. Bennett  
Director**

Effective on October 29, 2004

Of



Terms, Conditions, and  
Limitations

**CHAUTAUQUA AIRLINES, INC.**

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 authority contained in this certificate shall remain effective only so long as the holder remains a wholly owned subsidiary of Republic Airways Holding, Inc.

(4) The scheduled passenger authority contained herein, with respect to the operation of "large aircraft," will be

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

\*\* 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.

limited to operations performed under a fee-for-service agreement with United Air Lines, Inc., or a similar agreement with another major U.S. air carrier.\*\*\*

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

(6) 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.

(7) The holder is authorized to conduct charter flights in interstate and/or foreign air transportation in accordance with the provisions of 14 CFR Part 212.

(8) 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.

(9) 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.

(10) 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.

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\*\*\* 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.

(11) 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.

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