

Order: 2005-10-14
Served: October 17, 2005



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

Issued by the Department of Transportation
on the 17th day of October, 2005

Application of

MAXJET AIRWAYS, 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

Dockets OST-2004-17171

ORDER ISSUING INTERSTATE CERTIFICATE

By Order 2005-9-26, issued September 30, 2005, we directed all interested persons to show cause why we should not make final our tentative findings and conclusions stated in it and award a certificate of public convenience and necessity to MAXjet Airways, Inc. ("MAXjet), authorizing it to engage in interstate scheduled air transportation of persons, property, and mail.

Interested persons were given 14 days to file objections to the order.

No objections to the show cause order were received.

ACCORDINGLY:

1. We find that MAXjet Airways, Inc. is fit, willing, and able to engage in interstate scheduled air transportation of persons, property, and mail, subject to conditions.
2. We issue a certificate of public convenience and necessity to MAXjet Airways, Inc., to engage in interstate air transportation in the form and subject to the Terms, Conditions, and Limitations attached, effective on October 17, 2005.

3. Should MAXjet Airways, Inc., propose to conduct operations with more than three total 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.

4. We direct MAXjet Airways, 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.¹

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.

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

*An electronic version of this document is available on the World Wide Web at:
<http://dms.dot.gov>*

¹ 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.



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

This Certifies That

MAXjet Airways, 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.

By Direction of the Secretary

*Issued by Order 2005-10-14
On October 17, 2005
Effective on October 17, 2005*

*Randall D. Bennett
Director
Office of Aviation Analysis*



Terms, Conditions, and Limitations

MAXJET AIRWAYS, 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, including, but not limited to, 49 CFR Part 1544.**
- (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 holder is authorized to conduct charter flights in interstate and/or foreign air transportation in accordance with the provisions of 14 CFR 212.*
- (6) In the event that the holder receives effective scheduled passenger authority, the following additional conditions will apply:*
 - (a) 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.*

** 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.*

(b) *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.*

(7) *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.*

(8) *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.*

**SERVICE LIST FOR
MAXJET AIRWAYS, INC.**

MR WILLIAM KUTZKE
GENERAL COUNSEL
SKYLINK AIRWAYS INC
44965 AVIATION DRIVE
SUITE 205
DULLES VA 20166

MR GARY ROGLIANO
CHIEF EXECUTIVE OFFICER
SKYLINK AIRWAYS INC
44965 AVIATION DRIVE
SUITE 205
DULLES VA 20166

MR JOHN E GILICK
COUNSEL FOR MAXJET AIRWAYS INC
ZUCKERT SCOUTT & RASENBERGER
888 SEVENTEENTH STREET NW
WASHINGTON DC 20006

MR WALTER ARBIB
CHIEF EXECUTIVE OFFICER
SKYLINK AVIATION INC
1027 YONGE STREET
TORONTO ONTARIO
CANADA M4W 2K9

MR GLENN P WICKS
MS LISA A HARIG
THE WICKS GROUP LLC
1101 17TH STREET NW
SUITE 604
WASHINGTON DC 20036

MR JOSEPH MCNELL
MANAGER
FLIGHT STANDARDS DIVISION AEA-200
FEDERAL AVIATION ADMINISTRATION
EASTERN REGION HQ
159-30 ROCKAWAY BOULEVARD
JAMAICA NY 11434-4809

MS LORETTA ALKALAY
REGIONAL COUNSEL AEA-7
FEDERAL AVIATION
ADMINISTRATION
EASTERN REGION HQ
159-30 ROCKAWAY
BOULEVARD
JAMAICA NY 11434-4809

MR DON BRIGHT K-14
OFFICE OF AIRLINE INFORMATION
DEPARTMENT OF
TRANSPORTATION
400 SEVENTH STREET SW
WASHINGTON DC 20590

MS LORI AQUILINO
CSET ASSISTANT MANAGER
FEDERAL AVIATION ADMINISTRATION
SFO-IFO
831 MITTEN ROAD SUITE 105
BURLINGAME CA 94010

MR DAVID MALOUIN
CSET TEAM LEADER
FEDERAL AVIATION
ADMINISTRATION
45005 AVIATION DRIVE
ATPCO BUILDING
DULLES VA 20166-7537