



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

Issued by the Department of Transportation on April 30, 2020

**NOTICE OF ACTION TAKEN -- DOCKET DOT-OST-2020-0037**

On March 27, 2020, the President signed the Coronavirus Aid, Recovery, and Economic Security Act (CARES Act) into law. Sections 4005 and 4114(b) of the CARES Act authorize the Secretary of the U.S. Department of Transportation (Secretary) to require, “to the extent reasonable and practicable,” an air carrier receiving financial assistance under the act to maintain scheduled air transportation service as the Secretary deems necessary to ensure services to any point served by that air carrier before March 1, 2020 (Service Obligation). By Order 2020-4-2, the U.S. Department of Transportation established the parameters for implementation of the authority granted to the Secretary under the CARES Act, including an exemption process as described at pages 9-10 and in Appendix D of that order. This serves as notice to the public of an action taken by a Department official with regard to exemption(s) from Order 2020-4-2. No additional confirming order will be issued in this matter.

Applicant: **Advanced Air, LLC**<sup>1</sup>

Date Filed: **April 20, 2020**

**XX** Service Level Exemption – Advanced Air, LLC (Advanced Air) requests that the Department approve temporary suspension of service to the following covered points from its Service Obligation under the provisions of Order 2020-4-2:

- |                                |                                 |
|--------------------------------|---------------------------------|
| (1) Austin, TX (AUS)           | (6) Los Angeles-Hawthorne (HHR) |
| (2) Carlsbad, CA (CLD)         | (7) San Carlos, CA (SRQ)        |
| (3) Dallas/Ft. Worth, TX (DAL) | (8) San Francisco, CA (SFO/OAK) |
| (4) Taos, NM (TSM)             | (9) Santa Barbara, CA (SBA)     |
| (5) Las Vegas, NV (LAS)        | (10) Truckee, CA (TRK)          |

**XX** Waiver from the 10-business day advance filing requirement for the covered carrier’s proposed service alteration date.

Responsive pleadings: None.

**DISPOSITION**

**XX** **Granted (see below)**

Action date: **April 30, 2020**

Requests for exemption granted and effective date of authority granted:<sup>2</sup>

For Covered Points 1-10: **April 30, 2020** through **September 30, 2020**

<sup>1</sup> A copy of Advanced Air’s application and the basis for its exemption can be found at:

<https://www.regulations.gov/document?D=DOT-OST-2020-0037-0090>

<sup>2</sup> The effectiveness of this authority will terminate on the date specified above. Should the air carrier wish to extend the date(s) of effectiveness, it must file another request for an exemption in accordance with the exemption process as described in Appendix D of Order 2020-4-2.

This authority is subject to the terms, conditions, and limitations indicated:

**XX Holder's commuter air carrier authorization**  
**XX Standard exemption conditions (attached)**

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Basis for approval: The Department finds that granting Advanced Air's request for exemption to remove covered points 1 through 10 from its Service Obligation is warranted under the provisions of Order 2020-4-2. Advanced Air provides charter service to covered points 1 through 4 (Austin, Carlsbad, Dallas/Ft. Worth and Taos) and 6 (Los Angeles-Hawthorne) in accordance with 14 CFR Part 380 (Public Charters), and service to covered points 5 (Las Vegas) and 7 through 10 (San Carlos, San Francisco, Santa Barbara and Truckee) under a private entity charter agreement.<sup>3</sup> Because charter flights do not include *scheduled* air transportation,<sup>4</sup> Advanced Air's operations to these covered points are not subject to the minimum service level obligation in Order 2020-4-2.

Lastly, we grant Advanced Air's request for a waiver of the 10-business day advance filing requirement for exemptions under Order 2020-4-2.

We may amend, modify, or revoke this decision at any time without hearing at our discretion.

Persons entitled to petition the Department for reconsideration of the action set forth in this Notice under the Department's regulations, 14 CFR § 302.14, may file their petitions within ten (10) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for reconsideration will not alter such effectiveness.

Action taken by: David Short  
Deputy Assistant Secretary  
Aviation and International Affairs

*An electronic version of this document is available at: <http://www.regulations.gov>*

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<sup>3</sup> In a conversation with the Department on April 28, Advanced Air representatives confirmed that service from the covered points listed above were conducted either under 14 CFR Part 380 or under a private charter agreement.

<sup>4</sup> See 14 CFR 212.2.

**U.S. Carrier Exemption Conditions**

In the conduct of the operations authorized, the U.S. carrier applicant(s) shall:

- (1) Hold at all times effective operating authority from the government of each country served;
- (2) Comply with consumer protection and civil rights requirements, including, but not limited, to requirements contained in 14 CFR Parts 250, 254, 257, 259, 374, 382 and 399;
- (3) Comply with the requirements for reporting data to the Department, including, but not limited, to requirements contained in 14 CFR Parts 234, 241, and 244;
- (4) Comply with requirements for minimum insurance coverage, and for certifying that coverage to the Department, contained in 14 CFR 205;
- (5) Except as specifically exempted or otherwise provided for in a Department Order, comply with the requirements of 14 CFR 203, concerning waiver of Warsaw Convention liability limits and defenses;
- (6) Comply with all applicable requirements of the Federal Aviation Administration, the Transportation Security Administration, and with all applicable U.S. Government requirements concerning security, including, but not limited to, 49 CFR Part 1544. 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) Comply with such other reasonable terms, conditions, and limitations required by the public interest as may be prescribed by the Department of Transportation, with all applicable orders and regulations of other U.S. agencies and courts, and with all applicable laws of the United States.

The authority granted shall be effective only during the period when the holder is in compliance with the conditions imposed above.