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BEFORE THE
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.

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Application of	:	
	:	
BOSTON-MAINE AIRWAYS CORP.	:	Docket OST-00-7668 -14
	:	
for issuance of a certificate of public	:	
convenience and necessity pursuant to	:	
49 U.S.C. §41102	:	

**APPLICATION OF
BOSTON-MAINE AIRWAYS CORP.
FOR A TEMPORARY WAIVER OF SECTION 204.7**

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December 14, 2001
1165102 v2

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December 14, 2001

**APPLICATION OF
BOSTON-MAINE AIRWAYS CORP.
FOR A TEMPORARY WAIVER OF SECTION 204.7**

Boston-Maine Airways Corp. (“BMAir”) hereby submits this Application for a further temporary waiver of the one-year revocation for dormancy provision contained in Section 204.7(a) of the Economic Regulations of the Department of Transportation (the “Department”), so as to enable BMAir to delay its commencement of scheduled service operations for up to 10 additional days after January 2, 2002 (i.e., until January 12, 2002).

In support of this application, BMAir states as follows:

1. BMAir, which currently operates only charter services carrying passengers and cargo, was found by the Department to be fit to engage in interstate scheduled air transportation of persons, property and mail using small aircraft by Order 2000-10-1, served October 2, 2000.

2. Section 204.7(a) of the Department's Economic Regulations provides that a carrier must commence the operations for which it has been found fit within one year of that fitness finding or its fitness determination will be revoked for dormancy. On September 21, 2001, BMAir applied for a 90-day waiver of the Section 204.7 revocation for dormancy provision, based on unforeseen delays in BMAir's receipt of Part 121 certification by the Federal Aviation Administration (the "FAA"). That application was granted on September 28, 2001, extending the dormancy waiver period until January 2, 2002.

3. For reasons beyond the control of BMAir, its Part 121 certification process has taken far longer than expected and is still not yet complete. While it now appears highly likely that the process will be completed in time to enable BMAir to commence scheduled operations before January 2, 2002 (BMAir has been assured today (December 14th) by its FSDO Manager that BMAir's Part 121 Operations Specifications will be issued on or before next Wednesday, December 19th), experience has taught BMAir that there is always a risk of further delay of its Part 121 certification due to unforeseen circumstances.

Accordingly, out of an overabundance of caution, BMAir is compelled to request a brief further waiver of the revocation for dormancy provision to avoid the automatic revocation of its existing fitness determination. In order to allow adequate time for BMAir's completion of the Part 121 process and issuance of an effective Certificate of

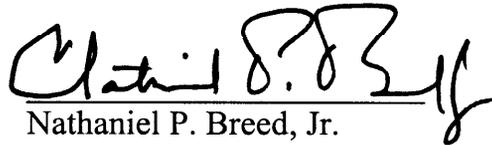
PC&N by the DOT, followed by the preparatory steps (advertising, schedule publication, etc.) necessary prior to BMAir's commencement of scheduled service, BMAir requests an extension of the existing waiver of the Section 204.7(a) revocation provision for 10 additional days until January 12, 2002. As noted above, BMAir is at a very advanced stage of the Part 121 certification process, and expects to receive its Part 121 Certificate and Operations Specifications early next week, and thus to be able to begin scheduled service operations prior to January 1st, but is requesting a further 10-day waiver to allow a margin for further unexpected delay for reasons beyond the control of BMAir. BMAir will withdraw this waiver application if its Part 121 certificate is in fact issued on or before December 19th, and if it is issued an effective DOT certificate on or before December 20th.

4. In compliance with Condition (1) of BMAir's Certificate of Public Convenience and Necessity issued by Order 2000-10-1, BMAir has already submitted complete updated fitness data, reflecting all material changes in the fitness evidence submitted previously by BMAir, in a Supplement No. 2 to its certificate application filed on October 18, 2001. Accordingly, issuance of BMAir's Part 121 certificate is the only remaining prerequisite to the immediate issuance of an effective Certificate of Public Convenience and Necessity to BMAir.

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WHEREFORE, BMAir respectfully requests the Department to issue an Order or Notice of Action Taken granting BMAir a further waiver from the revocation for dormancy provisions of Section 204.7(a) until January 12, 2002.

Respectfully submitted,

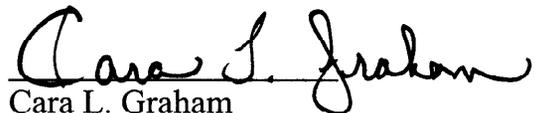


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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing Application of Boston-Maine Airways Corp. by messenger, telecopier transmission or United States mail, properly addressed and with postage prepaid, upon each of the persons listed in the Service List attached hereto.


Cara L. Graham

Washington, D.C.
December 14, 2001

SERVICE LIST (Docket OST-00-7668

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