



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

Issued by the U.S. Department of Transportation  
on the 29<sup>th</sup> day of August, 2025

Application of

**SKYWEST CHARTER, LLC**

as a commuter air carrier under 49 U.S.C. § 41738

**Docket DOT-OST-2022-0071**

**FINAL ORDER**

**Summary**

By this Order, the U.S. Department of Transportation (the “Department”) (1) finds that SkyWest Charter, LLC (“SWC”) is a citizen of the United States and is fit, willing, and able to engage in air transportation as a commuter air carrier, and (2) issues to it a Commuter Air Carrier Authorization, subject to conditions.

**Background**

SWC, a commonly owned affiliate of SkyWest Airlines, Inc. (“SkyWest”), is an operating air taxi under 14 CFR Part 298 that holds a 14 CFR Part 119 certificate from the Federal Aviation Administration (“FAA”) allowing it to operate under 14 CFR Part 135, which governs commuter and on-demand operations. In this proceeding, SWC is proposing to expand its business beyond the limitations of the air taxi rules, which limit the carrier to fewer than five weekly flights per route. SWC has applied for commuter air carrier authority under Part 298<sup>1</sup> to perform public charter flights as a direct air carrier using 30-seat CRJ-200 aircraft and operating under its existing Part 135 authority without limitations on the frequency of its services. On February 13, 2025, the Department, by Order 2025-2-10, tentatively found SWC fit, willing, and able to conduct scheduled passenger operations as a commuter air carrier, subject to conditions, and provided until February 27, 2025, for the filing of objections. Various objections and one letter of support were filed.

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<sup>1</sup> 14 C.F.R. Part 298, Exemptions for Air Taxi and Commuter Air Carrier Operations, adopted pursuant to 49 U.S.C. § 40109 and chapters 411, 413, and 417 of Title 49 of the U.S. Code, sets forth the procedures according to which air taxi operators and commuter carriers may receive authority to conduct operations. Under 14 CFR § 298.50(a)(2), a carrier seeking authority to provide scheduled passenger service as a commuter air carrier must demonstrate that they are “fit, willing, and able” to perform the service. In making fitness findings, the Department requires the submission of information under 14 CFR § 298.50(a)(2) and applies a three-part test that reconciles the Airline Deregulation Act’s liberal entry policy with Congress’ concern for operational safety and consumer protection.

## Pleadings

Objections to the Department’s show-cause order were submitted by the Transportation Trades Department, AFL-CIO (“TTD”), the Air Line Pilots Association, International (“ALPA”), the Association of Flight Attendants-CWA (“AFA”), the International Association of Machinists and Aerospace Workers (“IAM”), the Professional Aviation Safety Specialists (“PASS”), and Representatives Nicholas A. Langworthy and Marc A. Veasey. In sum, these parties urge the Department not to make final its tentative decision, reiterating their concern that SWC is attempting to take advantage of the Federal Aviation Regulations that would permit SWC to operate like a scheduled air carrier without complying with the additional safety regulations normally applicable to scheduled air carriers, or, in the alternative, should the Department choose to finalize its tentative decision, require SWC to implement its voluntary safety measures as a condition to SWC receiving its commuter air carrier authorization.<sup>2</sup>

### *TTD*

TTD believes that SWC’s business model to operate commuter passenger operations as public charters under Part 380 is “scheduled in all but name,”<sup>3</sup> that “on-demand charter services have become so frequent...that these charters are virtually indistinguishable from scheduled flights,”<sup>4</sup> and that the Department and the FAA should require all scheduled passenger operations to fall under Part 121 and the “principles of One Level of Safety for passenger operations using aircraft with 10 or more seats.”<sup>5</sup>

TTD also asserts that neither FAA Order 8900.1 nor the existing framework of guidance for scheduled commuter Part 135 operations used by Aviation Safety Inspectors and Principal Inspectors contains specific guidance for scheduled Part 135 commuter operations, which could subject Principal Inspectors to challenge or rebuttal by an air carrier.

### *ALPA*

ALPA asserts that the Department’s tentative decision is not in the interest of air safety. ALPA argues that SWC’s business model is a “subterfuge to avoid the safety-critical First Officer Qualification (“FOQ”) rules that Congress mandated for scheduled air service governed by FAR Part 121 (14 C.F.R. Part 121)—the highest standard for U.S. air safety”<sup>6</sup> and is contrary to the “One Level of Safety” standard that brought all scheduled passenger jet operations of 10 or more seats under Part 121. ALPA believes that if the Department permits SWC to operate Essential Air Service (“EAS”) under Part 135 operating rules, then air carriers operating under the more rigorous

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<sup>2</sup> Specifically, SWC has stated that the air carrier will voluntarily use dual captains holding ATP certificates, utilize active flight dispatching, adhere to FAR Part 117 rest requirements, implement Safety Management Systems and Advanced Qualification Program training, and operate only at airports with traditional TSA security checkpoints. *See* Letter dated May 30, 2023 (SWC), Docket DOT-OST-2022-0071.

<sup>3</sup> *See* letter from Transportation Trades Department, AFL-CIO addressed to Ms. Baraban, dated February 17, 2025.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> Objections to the Order to Show Cause of the Air Line Pilots Association, International, dated February 27, 2025, at 2.

Part 121 operating rules will be unfairly undercut, as financial pressures may force them to shift their existing Part 121 operations to Part 135 to compete with SWC's business model.

ALPA argues that the Department in its tentative decision avoided its statutory obligations to consider safety as part of its analysis by seeking to defer the issue to FAA. ALPA believes that, considering the FAA's announcement of its intention to initiate a rulemaking to address public charter operations, the Department must act in the public interest and reevaluate its tentative decision to consider the safety implications of SWC's proposed operations.

ALPA also argues that SWC's business plan is unsound, and the Department should not enable it through Alternative EAS ("AEAS") grants and scheduled service waivers. ALPA believes that the Department should not grant waivers from the scheduled service requirement of EAS as "broad use of waivers would facilitate a retreat from the highest level of safety for EAS small communities"<sup>7</sup> and would deprive small communities of "viable connections to onward scheduled flights,"<sup>8</sup> another criterion ALPA argues that the Department must consider in the public interest.<sup>9</sup> ALPA urges the Department not to reward SkyWest for withdrawing from EAS markets only to insert its own wholly-owned corporate surrogate to do Part 135 flying instead.

Notwithstanding its objection, if the Department determines to issue an order finalizing its tentative findings in Order 2025-2-10, ALPA urges the Department to restrict SWC from benefiting from discretionary AEAS grants or from waivers of the EAS scheduled service requirement, and to secure a binding commitment from SkyWest and SWC that SWC will adhere to the safety commitments it proposed, similar to what the Department secured in a separate proceeding when those commitments were deemed highly important to the Department's policy objectives.<sup>10</sup>

### ***AFA and IAM***

AFA and IAM request that the pending Show Cause Order be dismissed and SWC's application denied, arguing that the "[p]roposed Order exceeds the scope of DOT's legal authority, errs in failing to adequately consider and address objections raised by the Air Line Pilots Association, International (ALPA), and contains erroneous findings of fact and law."<sup>11</sup> AFA and IAM state that the Department's tentative decision proposing to find SWC fit is based upon authority contained in 49 U.S.C. § 41732(c), which allows the Department to grant waivers from the scheduled service requirement to air carriers seeking to provide service to an EAS community. AFA and IAM assert that such a waiver may only be granted on a case-by-case basis in an EAS selection proceeding upon request of the relevant community, and there is no such request before the Department in this proceeding. AFA and IAM believe that the EAS provisions for a waiver that the Department "relies

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<sup>7</sup> *Id.*, at 15.

<sup>8</sup> *Id.*, at 15.

<sup>9</sup> *See* 49 U.S.C. § 40101(a)(11).

<sup>10</sup> For reference, ALPA points to a merger docket and notes that, during its review of an international route transfer application, the Department secured certain binding commitments from the air carriers outside of the DOT order of approval. *See* Order 2024-9-13 at 3, Docket DOT-OST-2024-0084 and Agreement Regarding Merger Between Alaska Air Group, Inc., and Hawaiian Holdings, Inc., filed September 17, 2024, in Docket DOT-OST-2024-0084.

<sup>11</sup> AFA and IAM Objections to Motion to Show Cause and Proposed Order, filed February 27, 2025, at 2.

upon in finding it has authority, through this application process, to allow SWC to operate 30 passenger aircraft as a public charter under Section 135, are wholly inapplicable.”<sup>12</sup>

AFW and IAM also contend that SWC has not established it will comply with the safety requirements of 49 U.S.C. § 41738, arguing that SWC’s proposed operations diminish the level of safety for the traveling public as the air carrier is requesting an exemption from the training requirements of Part 135 and only voluntarily complying with some of the Part 121 standards.

Regarding SWC’s compliance, AFW and IAM state that SWC failed to supplement its application with critical compliance information while its application was pending. Specifically, AFW and IAM note that SkyWest and its parent company, SkyWest, Inc., are subject to pending litigation alleging violations of the Railway Labor Act and the wrongful terminations of two SkyWest Airlines’ whistleblowers.<sup>13</sup>

### ***PASS***

PASS expressed three areas of concern with SWC operating as a charter under Part 380 and under its existing Part 135 authority: “FAA does not have adequate staffing to oversee this approach; suitable guidance within the established regulatory framework is not available; and external pressures might decrease acceptable risk management and lower safety standards.”<sup>14</sup> PASS believes that FAA does not have adequate staffing to provide the necessary oversight for the type of “novel operations” SWC proposes. PASS contends that Flight Standard District Offices assigned safety oversight should have business rules (or a staffing model) like that of a Certificate Management Office assigned safety oversight of Part 121 operations, which allow for growth of the Certificate Management Team in tandem with air carrier growth and complexity of operations.

PASS also asserts that existing inspector guidance in FAA Order 8900.1 lacks specificity concerning appropriate measures necessary to mitigate risks associated with scheduled commuter Part 135 operations. Moreover, PASS contends that the lack of guidance to inspectors regarding Part 135 commuter operations may lead to inconsistency in application of appropriate risk management measures necessary to accommodate complex and frequent Part 135 air carrier operations, and that a lack of inspector guidance may permit external pressures, including economic considerations, to further decrease acceptable risk management and lower safety standards.

### ***U.S. Representatives Nicholas A. Langworthy and Marc A. Veasey***

Representatives Langworthy and Veasey contend that the Department should not finalize its action finding SWC fit until the FAA completes its ongoing review of the mandatory safety standards for scheduled passenger air carriers operating aircraft with 10 or more seats.<sup>15</sup> They further state that, should the Department grant SWC commuter authority prior to the FAA’s completion of its

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<sup>12</sup> *Id.*, at 3.

<sup>13</sup> *See* AFA, et al. v. SkyWest Inc., et al., Case No. 2:23-cv-723 (U.S.D.C. Utah) (filed Oct. 11, 2023).

<sup>14</sup> *See* letter from Professional Aviation Safety Specialists addressed to Ms. Baraban, dated February 27, 2025.

<sup>15</sup> *See* Docket FAA-2023-1857.

regulatory reforms, the Department should require SWC to commit to implementing the voluntary measures set out in the Show Cause Order as a “prerequisite for the issuance and maintenance of its commuter air carrier authorization.”<sup>16</sup> They also argue that the Transportation Security Agency (“TSA”) did not go far enough to address the security discrepancies for scheduled public charter flights and suggest that “any air carrier that sells tickets by the seats, puts a schedule out to the public, and operates an aircraft with more than 9 seats is subject to the full TSA security.”<sup>17</sup>

### ***SWC’s Responses***

On March 6, 2025, SWC filed a consolidated answer to the objections, generally stating that the objections are unrelated to SWC’s fitness or citizenship, the sole issue before the Department.

SWC believes that ALPA’s goal is to minimize new competition for its members. SWC notes that ALPA did not object to a recent application and tentative decision of the Department where the applicant proposed to operate 13 to 16 seat aircraft under Parts 135 and 380.<sup>18</sup> SWC contends that ALPA has taken no interest in that proceeding because “ALPA believes its members are affected only tangentially (if at all)”<sup>19</sup> by the applicant.

In response to ALPA’s allegations that SWC’s proposed operations are inconsistent with existing safety regulations or diminish safety requirements, SWC asserts that the Department addressed those concerns in its Show Cause Order. SWC notes that the Department’s order states that FAA’s current rules permit the operations it proposes, FAA has approved its Part 119 personnel, and that SWC’s operations have been conducted satisfactorily to date. Moreover, SWC notes that the Department already stated in its order that the additional voluntary safety measures SWC adopted were not required for DOT to make dispositive findings regarding its fitness. SWC states that if the FAA changes its regulations, it will meet or exceed all requirements as it does at present.

SWC contends that ALPA’s concerns with its business plan are unfounded and that ALPA is not in a position to “second-guess business plans or other management decisions of the SkyWest companies.”<sup>20</sup> SWC notes that the Department’s fitness findings focus on whether applicants can commence the proposed operations without posing an undue risk to consumers or their funds, which SWC argues was demonstrated by the managerial and financial resources available to it.

With respect to EAS and AEAS, SWC argues that ALPA ignored the fact that the Department can only award an AEAS grant or a waiver from the EAS scheduled service requirement upon the request of the affected community, and that “any notion that any appreciable number of SkyWest’s existing EAS markets...could be downsized to 30-seaters is absurd on its face”<sup>21</sup> as such a change

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<sup>16</sup> See Letter from the Honorable Langworthy and the Honorable Veasey addressed to Secretary Duffy, dated February 27, 2025.

<sup>17</sup> *Id.*

<sup>18</sup> See Order 2025-2-3, Docket DOT-OST-2022-0139, at 2 (February 10, 2025).

<sup>19</sup> See Consolidated Answer of SWC, dated March 6, 2025, at 3.

<sup>20</sup> *Id.*, at 4.

<sup>21</sup> *Id.*, at 5.

“could not be implemented without competition from other air carriers, community consent, and DOT approval.”<sup>22</sup>

Regarding the objections of AFA and IAM, SWC states that the assertion that the Department’s proposed findings amount to a blanket waiver of the EAS scheduled service requirement is patently incorrect. SWC notes the Department clearly and correctly provided that such waivers may only be granted upon community consent and waiver approval.

SWC also believes that AFA and IAM’s safety concerns are without merit. SWC states that AFA and IAM neglect that FAA has already determined that its operations are conducted satisfactorily. Moreover, SWC asserts that, like ALPA, AFA and IAM have not objected to similar proposals by air carriers seeking to operate public charter operations under Part 135 operating rules yet assert that a unique standard should apply to SWC’s operations.

Lastly, SWC states that the “critical compliance” matter that AFA and IAM identified represents a routine litigation matter that is not uncommon for a company of its size and that it will provide information about the suit to the Department after the issuance of a final order, which is “consistent with the Department’s standard terms, conditions, and limitations,”<sup>23</sup> requiring air carriers to update their fitness information with changes that have occurred.

As for the objections raised by TTD, SWC contends that TTD raises the same concern as ALPA about operations operated under Part 135 as opposed to Part 121 but did not comment on a separate proceeding in which the same authority as SWC requested was subsequently granted by the Department. SWC also states that the matter with FAA’s guidance material is “unrelated to the “application and points at issue” as is required for an objection to a show-cause order.”<sup>24</sup>

With respect to PASS’ objections, SWC reiterates that the Department’s fitness proceeding is not the appropriate venue to adjudicate PASS’s concerns about FAA staffing and resources and that flights operating under Parts 135 and 380 are not novel.

Similarly, SWC contends that safety and security issues raised by U.S. Representatives Langworthy and Veasey are issues of general applicability and not specific to SWC and its proposed operations. Furthermore, SWC argues that the primary issue of concern for the representatives relate to security issues administered by TSA and otherwise do not affect the Department and its tentative finding of fitness for SWC.

### ***Regional Airlines Association (“RAA”)***

On March 7, 2025, RAA provided a letter in support of the Department’s tentative findings, citing the critical need for air service in small communities and the importance of consistent and fair application of regulations. RAA states that SWC’s application is routine, legal, and already exists in a number of U.S. markets, and further that the Department “should apply regulations evenly, as

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<sup>22</sup> *Id.*, at 5.

<sup>23</sup> *Id.*, at 6.

<sup>24</sup> *Id.*, at 7.

the type of service SWC proposes is already approved.”<sup>25</sup> Moreover, RAA argues that the loss of air service to small communities negatively impacts transportation safety as the decrease in air service consequently increases travel by car, which has a fatality rate greater in rural areas compared with urban areas. RAA also contends that regulated entities depend on a consistent application of regulations for predictability in conducting business and the Department has an obligation to apply its rules evenly and consistently, “treating applicants in the same manner as others in similar conditions and circumstances.”<sup>26</sup>

### ***Additional Filings***

On March 12, 2025, ALPA filed a motion for leave to file a surreply to SWC’s consolidated answer and other responses filed to the Department’s Order. ALPA urges the Department to consider the serious concerns raised by the Opposing Parties, but in particular PASS’ safety points “about the ability of its FAA members in the FAA Flight Standards District Offices to safely oversee a Part 135 carrier that runs essentially scheduled passenger flights.”<sup>27</sup> ALPA claims that this is new information that “must be considered with the Department’s statutory obligation to make safety its first priority.”<sup>28</sup> Regarding ALPA’s nonobjection to a separate application for Part 135 commuter air carrier authority, ALPA argues that said application involved a different situation than that presented by SWC, which ALPA contends involves “replacing Part 121 flying with all-but-in-name scheduled operations under a lower standard of safety.”<sup>29</sup>

On March 14, 2025, SWC filed a motion for leave to file in response to the ALPA’s surreply, arguing that no new issues to address have been raised, and requested that the Department expedite making final its findings in the Show Cause Order and issue a final order granting SWC a commuter air carrier authorization.

### **Decision**

In this complex matter, the Department incorporated the full extent of its authorities relevant to applications for commuter air carrier authority, including, but not limited to, assigning and maintaining safety as the highest priority, developing and maintaining a sound regulatory system, encouraging entry into markets by new and existing air carriers, and consistently applying air carrier fitness statutes.<sup>30</sup> Under 49 U.S.C. § 41738 and Part 298, an air carrier may offer service when the Secretary decides that the carrier is fit, willing, and able to perform the service, and the aircraft and operations conform to the safety standards proscribed by the FAA Administrator.

After extensively reviewing the application and comments in the record, we now finalize our tentative findings in Order 2025-2-10 that SWC is fit, willing, and able to perform the services

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<sup>25</sup> See Letter from RAA addressed to Ms. Baraban, dated March 7, 2025.

<sup>26</sup> *Id.*

<sup>27</sup> See Surreply to Responses to Order to Show Cause and Motion for Leave to File of ALPA, dated March 12, 2025, at 1-2.

<sup>28</sup> *Id.*, at 2.

<sup>29</sup> *Id.*, at 3.

<sup>30</sup> See 49 U.S.C. §§ 40101(a), 40109, 41738, and chapters 411, 413, and 417 of Title 49 of the U.S. Code.

described in its application and that it is complying with all standards prescribed by the FAA. This decision ensures ongoing priority and focus on safety while consistently administering the economic fitness statutes.

Following the Show Cause Order, many objections were filed by various parties arguing against the approval of SWC's commuter application, not because evidence showed that SWC's current and proposed operations are unsafe or conducted without the appropriate level of safety, but because they believe, as a general matter, that public charter flights operated under Part 135 using 30 or fewer passenger seat aircraft should be operated under Part 121.

While the Department acknowledges that the size, scope, and frequency of public charter flights have increased over the past few years, the regulatory safety framework permits these operations under Part 135, and the FAA continues to certificate air carriers operating public charters and customize its oversight as FAA determines is necessary. No commenters have presented empirical data that supports that public charter flights conducted under Part 135 using 30 or less passenger seat aircraft are unsafe. The Department relies on the FAA's technical expertise to identify whether an operating air carrier is safe and maintains the appropriate authorities for such operations. As stated in Order 2025-2-10, SWC currently holds a Part 135 on-demand certificate from the FAA, and the FAA advised the Department that the agency knows of no reason to act unfavorably on the company's commuter application. Moreover, the FAA confirmed that SWC's operations are overseen by the FAA Allegheny Flight Standard District Office, which has structured its oversight to use a dedicated Certificate Management Unit with inspectors solely assigned to SWC. Considering this, the Department finds no reason to question the appropriate level of the safety and oversight of SWC's proposed operations.

The Department takes seriously the overall concerns raised and supports a holistic and data-driven approach to promote and maintain the highest levels of safety while enabling the economic benefits associated with the public charter business model. Efforts to address this broader issue are important but outside the scope of this proceeding. As we noted in Order 2025-2-10, SWC has stated it intends to adopt a number of voluntary measures that exceed Part 135 minimum operating requirements, and the Department, in support of these broader efforts, will ask SWC to describe its implementation of these measures in its first-year progress report.

In terms of whether SWC is economically "fit, willing, and able" to operate as a commuter air carrier, the Department finds that the objections raised do not counter the specific fitness findings in Order 2025-2-10. Longstanding fitness standards focus on the applicant's managerial competency, financial condition, compliance disposition, and its citizenship. As detailed in the Show Cause Order, SWC submitted extensive evidence demonstrating that it meets the statutory framework and regulatory requirements for economic licensing as the air carrier has a management team that possesses the background and experience necessary for the operations proposed, has sufficient financial resources required to commence operations, a satisfactory compliance disposition, and is a U.S. citizen. Therefore, the Department confirms and makes final its tentative findings in Order 2025-2-10, finding SWC is a U.S. citizen and is fit, willing, and able to conduct scheduled passenger operations as a commuter air carrier, subject to conditions.

The Department has also carefully reviewed the objections raised by ALPA, AFA, and IAM concerning EAS scheduled service waivers and AEAS selections. These matters are handled in separate EAS carrier-selection proceedings and governed by the relevant EAS and AEAS statutory provisions and are not determinative in finding SWC fit for commuter authority. The Department's finding of SWC's fitness to operate as a commuter air carrier allows the air carrier to submit a competitive bid to provide EAS; however, SWC's commuter air carrier status does not guarantee its selection in an EAS carrier-selection proceeding or a grant of a waiver from the basic requirements of EAS.

Concerning ALPA's position that SWC's business plan is not sound, it is not the Department's position that establishing financial fitness requires the Department to assess the reasonableness of an air carrier's business plan. Rather, the Department typically asks an applicant to demonstrate that it has access to financial resources sufficient to cover its pre-operating expenses and any negative working capital balance, plus a working capital reserve equal to the operating costs that are reasonably projected to be incurred during three months of "normal" operations. Because projected expenses during the first several months of air service frequently do not include all costs that will be incurred during a "normal" period of operations, it is the Department's practice to base its three-month test on one-quarter of the first year's operating costs. Therefore, whether an air carrier has misjudged the expected demand for its service is not a factor the Department considers in assessing its fitness. In Order 2025-2-10, the Department tentatively found SWC's forecasts that it expects to incur \$10.3 million in remaining pre-operating costs related to its proposed operations and that its first-year expenses will total \$204.5 million to be reasonable and that based on its forecasts, it has access to sufficient financial resources to enable it to commence the proposed operations without posing an undue risk to consumers or their funds. ALPA has not presented an argument that persuades us to reverse our tentative finding on this matter.

Lastly, concerning SWC's non-disclosure of pending litigation against SkyWest and its parent company, SkyWest, Inc., the Department reviewed the pending litigation and agrees with SWC that it is routine litigation that falls within the ordinary business of a company of the size and scope of SkyWest, Inc. and does not negate a satisfactory finding of SWC's compliance disposition. Notwithstanding this assessment, SWC is required to provide updated information on all areas of fitness, including updated compliance information such as the aforementioned pending litigation, prior to making any award of fitness effective.

The Department's grant of authority to SWC is only effective to the extent that such operations comply with all U.S. government requirements concerning safety and security, including any future amendments to such requirements. By finding SWC fit, the Department has the authority to reassess SWC's continued fitness and ensure that the air carrier and the personnel running and controlling the air carrier do and will abide by the laws, rules, and regulations governing its operations and that management will be diligent in maintaining safe operations.

This Order is issued under authority redelegated pursuant to 49 CFR 1.25a(b)(6)(ii)(A).

**ACCORDINGLY,**

1. The Department finds that SkyWest Charter, LLC is fit, willing, and able under 49 U.S.C. § 41738 to provide scheduled passenger service as a commuter air carrier, as specified in 14 CFR Part 298, using small aircraft<sup>31</sup> operated under 14 CFR Part 135.
2. Pursuant to 14 CFR Part 298, the Department issues a Commuter Air Carrier Authorization to SkyWest Charter, LLC, subject to the attached Terms, Conditions, and Limitations.
3. The Department directs SkyWest Charter, LLC to submit to the Air Carrier Fitness Division a first-year progress report within 45 days following the end of its first year of commuter operations;<sup>32</sup>
4. The Department grants all motions for leave to file otherwise unauthorized documents.
5. The Department will serve a copy of this Order on the persons listed in Attachment A.

By:

Daniel J. Edwards  
Principal Deputy Assistant Secretary for  
Aviation and International Affairs

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

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<sup>31</sup> 14 CFR Part 298 defines a “small” aircraft as any aircraft with an original design capacity of 60 seats or fewer or a maximum payload capacity of no more than 18,000 pounds.

<sup>32</sup> The report shall include a description of the air carrier’s current operations (number and type of aircraft, principal markets served, and 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, a listing of current senior management and key technical personnel, and a description of its implementation of its voluntary safety measures. The air carrier should also be prepared to meet with staff members of the Fitness Division to discuss its current and future operations.



## ***Commuter Air Carrier Authorization***

**SKYWEST CHARTER, LLC**

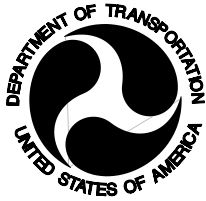
***is authorized, subject to the provisions of Subtitle VII of Title 49 of the United States Code, the orders, rules, and regulations issued thereunder, and the attached Terms, Conditions, and Limitations, to engage in scheduled passenger air transportation operations as a commuter air carrier.***

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

***By Direction of the Secretary***

***Issued by Order 2025-8-18  
On August 29, 2025  
Effective (see attached)***

***Daniel J. Edwards  
Principal Deputy Assistant Secretary for  
Aviation and International Affairs***



## *Terms, Conditions, and Limitations*

### **SKYWEST CHARTER, LLC**

*is authorized to engage in scheduled passenger air transportation operations as a commuter air carrier.*

*This authority is subject to the following provisions:*

*(1) The authority to conduct scheduled passenger operations 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 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 tickets for scheduled passenger operations, 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 requirements of 14 CFR Part 298 and any other regulations prescribed by the Department of Transportation for the services authorized here, and with such other reasonable terms, conditions, and limitations as the Department of Transportation may prescribe in the public interest.*

*(4) The holder's authority is limited to operations conducted pursuant to Part 135 of the Federal Aviation Regulations. In the event that the holder wishes to institute operations that would require Part 121 certification from the FAA, it must first be determined fit for such operations.*

(5) *The holder may not operate aircraft designed to have a maximum passenger capacity of more than 60 seats or a maximum payload capacity of more than 18,000 pounds.*

(6) *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.\**

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

(8) *The holder shall maintain in effect liability insurance coverage as required under 14 CFR Part 205. Failure to maintain such insurance coverage will render this authority 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 authority.*

(9) *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.*

(10) *Should the holder propose any substantial change in its ownership, management, or operations (as defined in 14 CFR § 204.2(l)), it must first comply with the requirements of 14 CFR § 204.5.*

(11) *In the event that the holder does not commence actual flying operations as a commuter air carrier under this authority within one year of the date of the Department's determination of its fitness, its commuter authority shall be revoked for dormancy. Further, in the event that the holder commences but subsequently ceases all scheduled passenger operations, the authority granted here 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 such operations within one year of its cessation, its commuter authority shall be revoked for dormancy.*

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\* 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.

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	<a href="mailto:jason.ambrosi@alpa.gov">jason.ambrosi@alpa.gov</a>
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PASS	<a href="mailto:dspero@passnational.org">dspero@passnational.org</a>
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