October 14, 1994

Mr. Kevin Prophet
Chief Inspector
Corporate Air
Logan International
Airport P.O. Box 30998
Billings, MT 59107-0998

Dear Mr. Prophet:

This is in response to your letter dated September 14, 1994. This letter was received by our office on October 11, 1994.

Your letter asks whether the owners of your company, Corporate Air, a Part 121 Supplemental Air Carrier and Part 135 Air Carrier, can obtain a second Part 135 Certificate. The intent would be to start a separate company, at a separate location, with its own management and operating specifications.

Special Aviation Regulation (SFAR) #38-2 Section (1)(a)(3) provides that:

... a person shall be issued only one certificate and all operations shall be conducted under that certificate, regardless of the type of operation or the class or size of aircraft operated." "Person" is defined in FAR 1.1 as

... an individual, firm, partnership, corporation, company, association, joint-stock association, or governmental entity.

Thus, in order for the owners of Corporate Air to obtain a second Part 135 certificate, it will be necessary for the new company to have a separate legal identity from Corporate Air. This is normally accomplished by establishing a second company as a corporation. As a separate corporation, the new company would be a "person" and, thus, capable of receiving its own air carrier certificate.

Sincerely,

George L. Thompson
Assistant Chief Counsel