

## MEMORANDUM

DATE: April 1, 2025

TO: Chris Rocheleau, Acting Administrator, Federal Aviation Administration

FROM: Jenny Rosenberg, Founder, JTR Strategies

SUBJECT: Request for Formal Withdrawal of RIN 2120-AM05 on behalf of JSX

Dear Acting Administrator Rocheleau:

On behalf of JSX, I am submitting this memo to formally request the withdrawal of Regulation Identifier Number (RIN) 2120-AM05: "Operating Requirements: Definition Changes for On-Demand Operation, Scheduled Operation, and Supplemental Operation."

### Rationale for Withdrawal Request

1. **Regulatory Timeline:** RIN 2120-AM05 appeared on the Fall 2024 U.S. Department of Transportation (DOT) Regulatory Agenda with a December 2024 timetable for a Notice of Proposed Rulemaking (NPRM). That deadline has passed without action, suggesting this was not a priority initiative of the past Administration. Given this precedent and Executive Order 14192 ("Unleashing Prosperity Through Deregulation"), we believe this presents an ideal opportunity for the current Administration to formally withdraw this RIN.
2. **Material Impact on Capital Formation:** The continued presence of this RIN in regulatory limbo is having tangible negative effects on JSX's business operations. Specifically, it has created a demonstrable "chilling effect" on the company's ability to raise capital and secure financing necessary for growth. Investors and lenders have explicitly cited regulatory uncertainty around this RIN in their hesitation to commit funds.
3. **Technical Inaccuracies in the RIN:** The RIN documentation contains multiple substantive errors warranting withdrawal:
  - It incorrectly states there are "no small entities affected," which fundamentally misrepresents its impact. JSX is a small entity operating under FAA Part 135 and DOT Part 380.
  - It incorrectly states that the rule is not "major," when it would clearly meet the OIRA criteria for a major rule due to both economic impact

and its significantly adverse effects on competition, employment, investment, and innovation.<sup>1</sup>

- The RIN citation incorrectly references "49 CFR 110" without appropriately including reference to "14 CFR 135" (Air Carrier and Operator Certification). This masks the impact of the regulatory action while also adding unnecessary confusion.
- 4. **Community Service and Economic Impact:** JSX provides essential air transportation to markets that are either severely underserved or would have no commercial air service at all if not for JSX's operations, creating critical connectivity for these communities. The company also generates significant employment opportunities through flight crews, technicians, airport operations, and support roles. The regulatory uncertainty surrounding this RIN affects not just JSX but the communities and local economies they serve.
- 5. **Alignment with Deregulatory Initiatives:** Executive Order 14192's "10 for 1" regulatory cap requires agencies to identify ten existing regulations for repeal when promulgating any new regulation. Withdrawing this RIN would support the Administration's deregulatory objectives without requiring the identification of ten regulations for repeal.

### Specific Action Requested

We respectfully request that the FAA work with the U.S. Department of Transportation to:

1. Formally withdraw RIN 2120-AM05 from further consideration
2. Update the Unified Agenda accordingly when it resumes publication
3. Make available a statement for public use that the proposed definition changes are no longer being pursued

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<sup>1</sup> [^1]: Under the Congressional Review Act, a rule is major if the OIRA Administrator finds that the rule has resulted in or is likely to result in— (A) an annual effect on the economy of \$100,000,000 or more; (B) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets. Ref OMB Memo M-24-09, Feb 16, 2024.

This withdrawal would provide much-needed regulatory certainty to JSX and similar operators, allowing them to confidently pursue business development and continue serving communities that rely on their transportation services.

I appreciate your consideration of this request. Kerrie Forbes, JSX's Chief Legal Officer, Corporate Secretary and Head of Government & Regulatory Affairs, would be happy to meet with you in person or virtually to discuss this request further and answer any questions about the impact of the existing RIN on JSX. Should you require any additional information or clarification in the meantime, please don't hesitate to contact me directly.

Sincerely,  
Jenny Rosenberg