

ORIGINAL

Decision No. 62254

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's
own motion into the operations,
practices and status of COAST
ROTORS CO., a California
corporation. }

Case No. 7050

Lindley, Scales and Patton, by Leon W. Scales, for
respondent.
Elmer Sjostrom, for the Commission staff.

O P I N I O N

On January 24, 1961, the Commission signed its Order Instituting Investigation into the operations, practices and status of Coast Rotors Co., a California corporation, to determine (1) whether respondent operates as a transportation company and common carrier within the meaning of Article XII of the Constitution of the State of California; and (2) whether respondent should be required to file with this Commission a tariff showing rates for the transportation of persons and property between termini in San Diego and vicinity.

A public hearing on the investigation was held in San Diego before Examiner Kent C. Rogers on May 24, 1961, and the matter was submitted.

From the evidence herein it appears, and we find, that respondent is transporting passengers and property by helicopter between points in California by (a) an on-call service, called an

air taxi service, in which passengers are carried between various hotels or public buildings in the vicinity of the City of San Diego, on the one hand, and Lindbergh Field (airport) in the City of San Diego, on the other hand; (b) charter service whereby various special services are rendered, such as carrying photographers to a disaster or placing telephone poles in place; and (c) contract work pursuant to which the helicopters, pilots and mechanics are hired for a period of time, such as a month or several months, to perform a special service, such as fire protection service for the Forestry Department.

It further appears, and we find, that the on-call service is performed on individual fare basis and the charter service is rendered on an hourly basis for any person or firm requesting the service; that respondent maintains a telephone at Lindbergh Field, San Diego, the number of which may be called to secure the transportation of passengers or freight or to arrange for charter work; that such services are rendered at advertised rates (Exhibits Nos. 1, 2 and 8); that the public is informed of said rates and charges by advertisements and brochures available at various public ticket agencies in and around San Diego; that tickets for individual fares are sold and delivered to the general public (Exhibit No. 3); that in January 1960 (Exhibit No. 5) and in January 1961 (Exhibit No. 4), the services rendered by respondent were advertised in the yellow pages of the San Diego Telephone Directory; that in August 1960 (Exhibit No. 6) and October 1960 (Exhibit No. 7) respondent advertised the various types of service rendered, including the air taxi service in the Official Airline Guide; that on November 4, 1960, a Commission staff

engineer was furnished transportation by respondent in a helicopter from Lindbergh Field to the Del Coronado Hotel in San Diego County and from said hotel to Lindbergh Field for a price of \$4.50 in each direction (Exhibit No. 3), which was the then advertised price for such transportation by respondent (Exhibit No. 1); and that both the said hotel and airfield are in the State of California and said transportation was entirely over portions of the State of California.

The record further shows, and we find, that respondent is rendering by helicopter through the air between points in California, the so-called air taxi service which is an on-call service and for which service the passenger pays on an individual fare basis; that it renders a so-called charter service whereby the helicopters are rented on an hourly basis; that it renders a third type of service known as contract service, whereby the helicopters and crews are hired out for a period of time such as two or three months to a particular entity such as the United States Forestry Service; that the contract work is most compensatory and is given preference; that there is no set fee for the contract service but compensation is based on a negotiated fee; that the charter work rates are \$155 per hour and this service is given the next preference; and that the air taxi service is last in preference and is only rendered when there is available equipment.

The records of this Commission show that respondent has no tariffs on file showing the schedule of rates and charges for any of the services rendered as described above.

Upon consideration of the evidence herein, we find and conclude that respondent is a transportation company within the

meaning of Sections 20 and 22 of Article XII of the California Constitution (People v. Western Air Lines, Inc., 42 Cal 2d 621); that it is a common carrier as defined in Section 17 of Article XII of the California Constitution; that its so-called air taxi service and its charter service constitute services as an air transportation company as defined in General Order No. 105-A of this Commission; and that, as to any service which is rendered on an individual fare basis and/or on an hourly basis in the air wholly and entirely over this State including the portion of the Pacific Ocean included therein and whether or not the helicopter comes to rest on the land at any point other than the take-off point, respondent is required to file a tariff showing its rates for the transportation of persons and/or property.

Coast Rotors Co. will be ordered to cease and desist the transportation of persons and/or property by air for compensation as a common carrier on any trip which is entirely over or in the State of California including inland waters of the ocean which are a part of said state, unless and until it shall fully comply with General Order No. 105-A.

O R D E R

The Commission having commenced an investigation into the operations, practices and status of Coast Rotors Co., a public hearing having been held thereon, the Commission having made the foregoing findings and conclusions and based thereon,

IT IS ORDERED that Coast Rotors Co. shall cease and desist transporting passengers and/or property for compensation as a common carrier on any flight wholly over or within the State of California, unless and until it shall have filed with the Commission a tariff showing its rates for said transportation of persons or property on said flights.

The Secretary of the Commission is directed to cause service of this order to be made on the respondent corporation, Coast Rotors Co. This order shall become effective twenty days after such service on the respondent corporation.

Dated at San Francisco, California, this 11th day of July, 1961.

[Signature]
President
[Signature]
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Commissioners