

ORIGINAL

Decision No. 69717

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 C & W AVIATION CORPORATION, a)
 corporation, DBA C-AIR, INC., for a)
 certificate of public convenience)
 and necessity as a passenger air)
 carrier between the airports of)
 Long Beach, Riverside, Redlands and)
 Los Angeles International Airport,)
 pursuant to Sections 2753-2756 of)
 the California Public Utilities)
 Code.)

Application No. 47884
(Filed September 10, 1965)

INTERIM ORDER

By this application, C & W Aviation Corporation requests a certificate of public convenience and necessity as a passenger air carrier between Los Angeles International Airport and various other airports in the Los Angeles area. The application is protested by Los Angeles Airways, Inc., which filed a Petition for Denial of ex parte orders for Temporary or Permanent Certificate pending Full Evidentiary Hearing, and Petition for Leave to Intervene.

According to the application applicant is presently conducting operations between Los Angeles International Airport, on the one hand, and Riverside Airport and Redlands Airport, on the other hand.

The Commission finds that public convenience and necessity require that applicant be granted a temporary certificate of public convenience and necessity to operate as a passenger air carrier, as set forth in the ensuing order. We conclude that a temporary certificate of public convenience and necessity should be granted to C & W Aviation Corporation to operate as a passenger air carrier

between the points of Los Angeles International Airport, Riverside Airport, and Redlands Airport, pending further action on the merits of the request for a permanent certificate.

C & W Aviation Corporation is hereby placed on notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate fixing for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights. Aside from their purely permissive aspect, such rights extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be modified or canceled at any time by the State, which is not in any respect limited as to the number of rights which may be given.

IT IS ORDERED that:

1. A temporary certificate of public convenience and necessity is granted to C & W Aviation Corporation, authorizing it to operate as a passenger air carrier as defined in Section 2741 of the Public Utilities Code, between the points and over the routes more particularly set forth in Appendix A, attached hereto and hereby made a part hereof.

2. In providing service pursuant to the temporary certificate herein granted, applicant shall comply with and observe the following service regulations:

- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the temporary certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicant is placed on notice that it will be required, among other things, to file annual reports of its operations and to comply with and observe the insurance requirements of the Commission's General

Order No. 120-A. Failure to file such reports in such form and at such time as the Commission may direct, or to comply with and observe the provisions of General Order No. 120-A, may result in a cancellation of the operating authority granted by this decision.

3. Within one hundred and twenty days after the effective date hereof, applicant shall amend its tariff and timetables to reflect the authority herein granted. Such filings shall be made effective not earlier than five days after the effective date of this order on not less than five days' notice to the Commission and the public and shall comply with the regulations governing the construction and filing of tariffs in the Commission's General Order No. 105-A.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 21st day of September, 1965.

Frederick B. Hallock
President
George E. Hoover
Commissioners
William L. ...
Commissioners

ds

Appendix A

C & W AVIATION CORPORATION
(a corporation)

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C & W Aviation Corporation, by the temporary certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport passengers by air in either direction:

1. Between Los Angeles International Airport, Riverside Airport and Redlands Airport.

Issued by California Public Utilities Commission.

Decision No. 69717, Application No. 47884.