

ORIGINALDecision No. 69777

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Petition by)
 BANK-AIR, INC., a California)
 corporation, for exemption from)
 Public Utilities Code Section)
 1061.)

Application No. 47808
 (Filed August 12, 1965)

OPINION AND ORDER

By this petition exemption is sought from the regulatory requirements of this Commission of the highway carrier portion of a primarily air transportation service to be provided by petitioner for Loomis Courier Service, Inc., and other like entities that require the transportation of banking material and documents throughout this State.

Petitioner has specifically requested exemption from Public Utilities Code Sections 1061-1074; however, it is not clear from the petition whether the operation as described would require a certificate of public convenience and necessity or a permit pursuant to the Highway Carriers' Act, Public Utilities Code Sections 3501 et seq.

Regardless of which type of operating authority is required from this Commission for the proposed operation, the Commission is without jurisdiction to waive the mandatory requirements of the Code that carriers of property for compensation on the highways of this State obtain such authority. The language of the Public Utilities Code is plain that before any such operation is commenced the proper operating authority "shall" be issued.

In view of the foregoing, the Commission can do nothing more than dismiss this petition.

IT IS ORDERED that the petition of Bank-Air, Inc. for exemption from Public Utilities Code Section 1061 is hereby dismissed.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 13th day of OCTOBER, 1965.

Fredrick B. Hallock
President

George H. Hoover

Augustan

William C. Brund

Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.