

ORIGINALDecision No. 69867

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of LISLE FUNERAL HOME, a California)
corporation, for a certificate of)
public convenience and necessity.)

Application No. 47893
Filed September 13, 1965

O P I N I O N

This is an application by Lisle Funeral Home, a California corporation (hereinafter referred to as Lisle), which seeks a certificate of public convenience and necessity as a passenger air carrier (1) to conduct an air ambulance service, (2) to conduct an air hearse service, and (3) to conduct passenger service between Fresno and Sacramento.¹

Lisle states that the application was filed because of the recent enactment of the Passenger Air Carriers Act by the Legislature. (Stats. 1965, Ch.736, Public Utilities Code Secs. 2740-2765.) The Passenger Air Carriers Act provides for the certification and regulation of intrastate passenger air carriers.

The verified application avers that prior to June of 1962, Lisle advertised to funeral directors a service known as Lisle Air Hearse Service, and that at the request of families or other funeral directors, Lisle transported corpses by air, on an on-call basis.

¹ Lisle calls the proposed service air taxi service, although scheduled service is proposed. The reason for such designation is that, under the regulations of the Federal Aviation Agency, no carrier with a capacity of less than 12,500 pounds per aircraft is considered to be a common carrier. Lisle's aircraft are under 12,500 pounds. Lisle holds operating authority from the Federal Aviation Agency designating it as an "Air Taxi-Commercial Operator." It is authorized to carry passengers and cargo.

In June of 1962, Lisle commenced a service known as Lisle Air Ambulance Service in which Lisle transported by air injured or ill persons at the request of the person or his family, physician or hospital. Lisle proposes to conduct these services, and the air passenger service hereinafter discussed, under the name of Lisle Air Services. Lisle's gross receipts from the air ambulance and hearse services have, in recent months averaged about \$2,500 per month. Lisle seeks authority to provide on call air ambulance and hearse service within California.

As indicated, Lisle also seeks authority to operate a passenger service between Fresno and Sacramento. The application avers that presently there is no direct air transportation service of any kind between the two cities. United and Pacific Air Lines now provide service between Fresno and Sacramento, but such service involves stopovers of at least 45 minutes in San Francisco, and sometimes a change of aircraft. Lisle states that during a three-month period in 1963, Pacific Air Lines provided one direct flight a day from Fresno to Sacramento, but no direct return flight was furnished; that the direct Pacific flight carried, on the average, six passengers; that Pacific's experience shows the need for some direct service between Fresno and Sacramento, particularly since the population of each area has increased since 1963 and that, if Lisle transported six passengers per day, round trip, between the two cities it would operate such service at a profit.

Lisle proposes to conduct operations with two Cessna 206 airplanes, which it owns. The Cessna 206 can carry five passengers. Lisle has a contract to rent additional 5-passenger aircraft as required. Flying times for the air ambulance and hearse services presently average 80 hours per month. Lisle holds appropriate operating authority from the Federal Aviation Agency. It has

three employees who are licensed commercial pilots with instrument ratings. Two of the pilots have approximately 1600 hours flying time. The other pilot has approximately 550 hours flying time. Lisle presently has in force liability insurance with a limit of \$500,000 for each person, \$1,000,000 for each occurrence and \$100,000 for property damage for an accident. Lisle's statement of financial condition for the fiscal year ending March 31, 1965, indicates a net income of \$38,518 for its total operation.

Lisle proposes to provide a morning and evening return flight between Fresno and Sacramento. A midday trip would be added if there is sufficient demand. These flights would be on route "Victor 23" as designated by the Federal Aviation Agency. Air ambulance and air hearse service would be furnished on an on-call basis between all points in California.² Lisle proposes to charge \$16, plus Federal tax, for a one-way fare between Fresno and Sacramento and \$32, plus Federal tax, for a round trip. Lisle also proposes to charge, for air ambulance or air hearse service, \$40 per hour, including hours expended flying from its base of operations at Fresno, to the point of pickup, plus any time expended to return to Fresno after delivery.

Copies of the application were served upon United and Pacific Air Lines. No protests against the application have been received by the Commission.

² There was some question by applicant as to whether an air hearse service requires a certificate of public convenience and necessity as a passenger air carrier. It would seem that a corpse is not a passenger within contemplation of the act. However, on occasion someone may desire to accompany a corpse while it is being transported. Lisle seeks a certificate to cover such situations, and others which might arise to insure that it is complying with the provisions of law in its operations. The Commission concludes that this is charter service and not common carriage.

The Commission makes the following findings and conclusions.

Findings of Fact

1. A public hearing is not necessary in this matter.
2. Public convenience and necessity require that Lisle be granted a certificate of public convenience and necessity to operate as a passenger air carrier between Fresno and Sacramento.
3. Lisle has the ability, including financial ability, to conduct the proposed operations.
4. The public interest requires that Lisle continue to maintain insurance coverage of at least the following minimums: Death or personal bodily injuries, of one person \$500,000; total liability for death or bodily injuries as a result of one accident, \$1,000,000 and property damage, \$100,000.

Conclusions of Law

1. Lisle should be granted a certificate of public convenience and necessity authorizing it to operate as a passenger air carrier for conducting passenger service between Fresno and Sacramento.

2. Lisle should be ordered to maintain the following minimum insurance coverage: Death or personal bodily injuries of one person, \$500,000; total liability for death or bodily injuries as a result of one accident, \$1,000,000, and property damage, \$100,000.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Lisle Funeral Home, a California corporation, doing business under the name of Lisle Air Service, to operate as a passenger air carrier as defined in Section 2741 of the Public Utilities Code for transportation of passengers between the points and at the rates particularly set forth in Appendix A attached hereto and made a part hereof.

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

- a. Within sixty days after the effective date hereof, applicant shall file a written acceptance of the 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 such rules and General Orders as may, from time to time, be promulgated by the Commission.
- b. Within sixty days after the effective date of this order, applicant shall establish the service herein authorized and file in triplicate, and concurrently make effective, a tariff satisfactory to the Commission.

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

Dated at San Francisco, California, this 26th day of OCTOBER, 1965.

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.

Fredrick B. Holoboff
President

George T. Crow
Commissioners

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Appendix A

LISLE FUNERAL HOME,
a California corporation

Original Page 1

Lisle Funeral Home, a California corporation, doing business under the name of Lisle Air Services, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers as a passenger air carrier as follows:

Applicant is authorized to conduct passenger service between Fresno and Sacramento.

Issued by California Public Utilities Commission.

Decision No. 69867, Application No. 47893.