

**ORIGINAL**Decision No. 74288

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

SAN FRANCISCO & OAKLAND HELICOPTER  
AIRLINES, INC., a California  
corporation,

Complainant,

vs.

SKYMARK AIRLINES, INC.,

Defendant.

Case No. 8780  
(Filed April 5, 1968)PACIFIC AIR LINES, INC., a  
corporation,

Complainant,

vs.

SKYMARK AIRLINES, a California  
corporation,

Defendant.

(Amended Title)Case No. 8781  
(Filed April 5, 1968;  
Amended May 21, 1968)

ORDER SETTING ASIDE SUBMISSION  
AND REOPENING THE PROCEEDINGS FOR  
FURTHER HEARING

The proceedings herein were taken under submission at the close of the hearing on May 6, 1968, subject to the filing of concurrent opening and closing briefs. Pursuant to the direction of the Presiding Examiner, an amendment to the complaint in Case No. 8781 showing, among other things, that Air West, Inc. is the successor by merger to Pacific Air Lines, Inc., was filed on May 21, 1968. On May 28 an answer to the amendment to the complaint was filed by Skymark Airlines, Inc. in which Skymark, among other allegations, alleged in its Second Defense that:

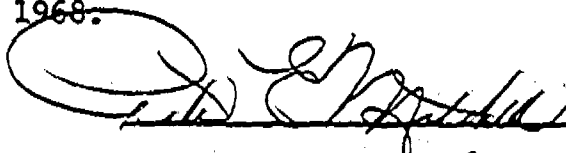
"Defendant (Skymark) by the acceptance of charter flights outside of the State of California is now engaged in interstate commerce as a common carrier, and is engaged in 'air transportation', as that term is defined in the Federal Aviation Act of 1958, as amended, and is an 'air taxi operator' under Part 298, Economic Regulations, Federal Aviation Act of 1958, as amended, and is therefore no longer subject to the regulatory jurisdiction of the California Public Utilities Commission in so far as concerns the service complained of by the Complainant to the extent, if any, such service is not already certificated under its present certificate."

By various letters to the Commission, copies of which are hereby made a part of the record herein as Exhibit No. 13, the parties to the proceedings herein have requested that submission be set aside and the matters be reopened and set for further hearing.

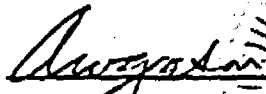
IT IS THEREFORE ORDERED that submission of Cases Nos. 8780 and 8781 is set aside and these proceedings are reopened and are to be set for further hearing before Commissioner Gatov and/or Examiner Cline at a time and place later to be set by the Commission.

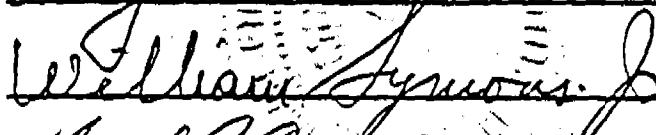
The effective date of this order shall be the date hereof.

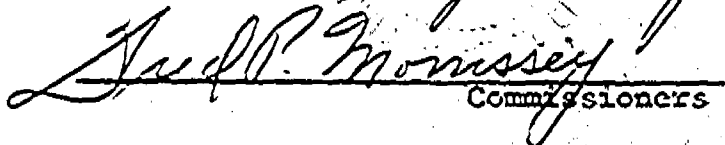
Dated at San Francisco, California, this 25<sup>th</sup>  
day of JUNE 4, 1968.

  
President







  
Commissioners