

Decision No. 74810

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
LET'S FLY, INCORPORATED for a Certif-
icate of Public Convenience and
Necessity.

Application No. 50029
(Filed February 20, 1968)

Donald B. McCaw, McCaw & Barnum, for applicant.
Glenn A. Howard, for protestant.
Elmer Sjostrom, Robert Hannam and Lloyd Humphrey,
for Commission staff.

O P I N I O N

By this application Let's Fly, Incorporated seeks a certificate of public convenience and necessity as a passenger air carrier between Sonoma County Airport, Petaluma and San Francisco/Oakland International Airports.

Public hearing was held before Examiner Porter at San Francisco on July 1, 1968.

Applicant's principal operation has consisted of flight training and charter flights and has included plane rental and sales. It has conducted demand charter service to San Francisco.

Applicant maintains insurance protection against liability for bodily injuries and for property damage, pursuant to Public Utilities Commission General Order No. 120A.

Let's Fly, Incorporated was founded in July of 1965; the four incorporators have numerous hours of flying time and have been associated with other flying services.

Applicant alleges support of the Sonoma County Transportation Committee.

Exhibit "C" attached to the application shows a net worth as of September 30, 1967 of \$8,485.53.

Applicant proposes to sustain the proposed operation with the surplus produced by charter flights, flight school and sales and rentals and has projected a six-month period at an absolute zero passenger carriage.

If this application is granted they project an annual net income based upon 50 weeks of \$15,705.00 (Exhibit No. 1).

Applicant proposes to use a Piper Cherokee Six, a six-passenger aircraft in this service and a round-trip morning flight and evening flight.

Golden Pacific Airlines, Inc. protested the application alleging that applicant's financial structure does not provide the basis to absorb possible contingencies of the operations it proposes.

At the hearing the only witness produced was the applicant's vice president who testified as to the need for the service proposed. There was no market study or testimony of supporting witnesses produced, which could be tested by cross-examination to assure this Commission as to the need for the service; rather the Commission is asked to rely upon the nebulous assertions of the applicant.

An affirmative showing of definite need for the service proposed is a prerequisite to the issuance of a certificate of public convenience and necessity.

The evidence herein demonstrates and the Commission finds that applicant has failed to show that there is a need for the proposed passenger air carrier.

The Commission concludes that the application should be denied.

In view of the foregoing finding and conclusion it is not necessary for this Commission to make findings upon the other factors mentioned in Section 2753 of the Public Utilities Code.

O R D E R

IT IS ORDERED that Application No. 50029 is denied.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 15th day of OCTOBER, 1968.

William J. Lyons, Jr.
President
William W. Bennett
Augustus
Paul P. Monahan
Commissioners