

ORIGINALDecision No. 75604

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of PACIFIC SOUTHWEST AIRLINES for a certificate of public convenience and necessity, in either direction, between San Diego, Long Beach, Long Beach, San Jose/San Francisco/Oakland and San Diego to Sacramento via Long Beach and San Francisco.

Application No. 50261

In the Matter of the Application of AIR CALIFORNIA for a certificate of public convenience and necessity to provide passenger air service between Long Beach, on the one hand, and San Jose and Oakland, on the other hand.

Application No. 50381

In the Matter of the Application of PACIFIC AIR TRANSPORT, INC., for a certificate of public convenience and necessity to provide passenger air service between Long Beach, San Jose, Oakland and San Francisco.

Application No. 50438

ORDER DENYING MOTIONS TO AUGMENT THE RECORD AND
TAKING OFFICIAL NOTICE OF THE
REVISED POSITION ADOPTED BY THE CITY OF LONG BEACH

Long Beach Jet Control Association (Jet Control) and the City of Long Beach (City) have filed motions requesting that the Commission augment the record in the above proceedings with a portion of the minutes of the meeting of the City Council held on February 11, 1969 and an excerpt from the minutes of the meeting held on February 18, 1969.

The partial transcript of the meeting of February 11, 1969 includes the statements by various persons who support Jet Control's opposition to the applications involved herein, as well as the discussion of the council members, relating to whether the

A. 50261, et al. ds

City Council should adopt a consulting firm's report on the expansion of the terminal facilities at Long Beach Airport. After the discussion the City Council adopted a motion which tabled the consultant's report. The certified excerpt from the minutes of the meeting of February 18, 1969 shows that the City Council decided to inform the Commission of its action taken on February 11, 1969 regarding the consultant's report, and that the Council went on record "as withdrawing their support from all airline cases pending before the CAB and PUC...."

Pacific Air Transport (PAT) opposes the receipt into evidence of the partial transcript of the City Council meeting on the ground that it would allow into the record unsworn testimony which was not subject to cross-examination or rebuttal testimony by the parties herein. PAT maintains that official notice should be taken only of the adopted motions or resolutions.

The purpose of the two motions is to notify the Commission of the action taken by the City. The adopted resolutions are official acts of the governing body of the City and are properly within the scope of official notice. (Rule 73 of Practice and Procedure; California Evidence Code Section 452(c); Witkin, California Evidence, 153-4.) Therefore, the Commission will take official notice of the City's action. Receipt into evidence of the partial transcript of the council meeting is not necessary or appropriate.

Good cause appearing,

IT IS ORDERED that the motions by Long Beach Jet Control Association and the City of Long Beach to augment the record in the

A. 50261, et al. ds

above proceedings are denied. Official notice will be taken of the resolutions adopted by the City Council of Long Beach on February 11 and 18, 1969.

Dated at San Francisco, California, this 29th day of APRIL, 1969.

William Symons Jr.
President

Augustin

Fred R. Monasse

William

Commissioners