

ORIGINALDecision No. 76101

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of LOS ANGELES AIRWAYS, }
 INC., for an increase in intrastate }
 air charter rates. }

Application No. 51005
 (Filed March 9, 1969)

OPINION AND ORDER

Los Angeles Airways, Inc., is an air common carrier under the jurisdiction of this Commission, engaged in transporting passengers, express and mail by aircraft in the State of California. It also operates an air charter service for which it has a schedule of rates on file with the Commission. It here seeks authority to increase its tariff rates for intrastate air charter service from \$350 per hour to \$450 per hour.

The provisions of the Passenger Air Carriers Act have no application to air charter service. This application, therefore, is addressed to the jurisdiction of the Commission conferred under Article XII, Sections 20 and 22 of the Constitution of the State of California. The Commission has not exercised its constitutional powers over transportation companies to require air charter service carriers to publish and file a schedule of rates for air charter service. The exercise of the power under the Constitution is within the discretion of the Commission. (Drayman's Association of San Francisco, et al., 57 Cal P.U.C. 132; Rev. den. Drayman's Association of San Francisco, et al. v. Public Utilities Commission of the State of California, S.F.No. 20213.) Good cause does not appear why

the Commission, at this time, should exercise its power under the Constitution to require air carriers to file tariffs of their rates and charges for air charter service.

The application should be dismissed and the tariff of applicant naming rates and charges for air charter service should be canceled; therefore,

IT IS ORDERED that:

1. Application No. 51005 is dismissed.
2. Los Angeles Airways, Inc., Local Charter Tariff No. 1, Cal. P.U.C. No. 3, is canceled.

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

Dated at San Francisco, California, this 26th day of AUGUST, 1969.

William J. Lyons
President

August
Richard P. Monahan
R. H. [unclear]
[unclear]
Commissioners