

Decision No. 76255

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

AIR CALIFORNIA,
a California Corporation,

Complainant,

vs.

PACIFIC SOUTHWEST AIRLINES,
a California Corporation,

Defendant.

Case No. 8937
(Filed July 21, 1969)

ORDER DENYING REHEARING

Pacific Southwest Airlines, having filed a petition for rehearing of Decision No. 76104, the Commission having considered each and every allegation thereof, and being of the opinion that no good cause for rehearing has been made to appear;

IT IS ORDERED that rehearing of Decision No. 76104 is hereby denied.

Dated at San Francisco, California, this 30th day of SEPTEMBER, 1969.

William Lyman Jr.
President

J. [Signature]

Thomas L. [Signature]
Commissioners

*Will file a dissent
Thomas [Signature]*

Commissioner A. W. Gatov, being necessarily absent, did not participate in the disposition of this proceeding.

C. 8937, D. 76255

THOMAS MORAN, COMMISSIONER, Dissenting:

I dissent.

I would grant the rehearing because:

1. The ambiguous language of Decision No. 75297 which the majority of this Commission construes as imposing a requirement upon Pacific Southwest Airlines to compel San Diego - San Jose passengers, who travel via Burbank to avoid the frequent traffic delays at LAX, to get off the plane during the stop at Burbank and then wait for the next plane in order to complete the flight is at most the result of an oversight which should properly be corrected by a nunc pro tunc order, and

2. The one and only clear and definite consequence of the Decision in Case No. 8937 is to cause very real inconvenience and expensive delays to the traveling public.

The only justification suggested for causing this immediate and definite inconvenience and expense to the traveling public is the anticipation that such inconvenience and delays may drive some San Diego - San Jose travelers presently utilizing Pacific Southwest Airlines for the full trip to switch over to Air California at Burbank for the Burbank - San Jose portion of the flight, thereby increasing the revenues of Air California and the profitability of its operations, and thereby ultimately perhaps enabling Air California to compete more successfully with Pacific Southwest Airlines.

As a matter of principle, competition is certainly a desirable objective. That the action of this Commission in this case can possibly promote competition is unrealistic and highly improbable. However, that the action of this Commission in this case will cause great inconvenience and expensive delays to the traveling public is crystal clear.


Commissioner

Dated at San Francisco, California
October 1, 1969