

ORIGINAL

Decision No. 76668

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of GOLDEN PACIFIC AIRLINES, INC.,
a California corporation, for a
certificate of public convenience
and necessity.

Application No. 51212
(Filed July 1, 1969;
Amended October 6, 1969)

O P I N I O N

The original application sought a prescriptive certificate as a passenger air carrier pursuant to § 2754.1 of the Public Utilities Code between the below-listed airport pairs:

1. San Francisco International Airport and Arcata Airport (Eureka).
2. San Francisco International Airport and Fresno Air Terminal.
3. San Francisco International Airport and Lake Tahoe Airport.
4. San Francisco International Airport and Sacramento Metropolitan Airport.
5. San Francisco International Airport and Stockton Metropolitan Airport.
6. Sonoma County Airport (Santa Rosa) and Ukiah Municipal Airport.
7. Sonoma County Airport (Santa Rosa) and Arcata Airport (Eureka).
8. Sonoma County Airport (Santa Rosa) and Sacramento Metropolitan Airport.
9. Stockton Metropolitan Airport and Modesto City-County Airport.
10. Stockton Metropolitan Airport and Sacramento Metropolitan Airport.
11. Ukiah Municipal Airport and Arcata Airport (Eureka).

12. Visalia Airport and Fresno Air Terminal.
13. Arcata Airport (Eureka) and Sacramento Metropolitan Airport.
14. Fresno Air Terminal and Sacramento Metropolitan Airport.
15. Fresno Air Terminal and San Jose Municipal Airport.
16. Lake Tahoe Airport and Sacramento Metropolitan Airport.
17. Merced Municipal Airport and Modesto City-County Airport.
18. Modesto City-County Airport and Sacramento Metropolitan Airport.
19. Sacramento Metropolitan Airport and San Jose Municipal Airport.
20. Salinas Municipal Airport and San Jose Municipal Airport.
21. San Jose Municipal Airport and Sonoma County Airport (Santa Rosa).
22. Sacramento Metropolitan Airport and Visalia Airport.
23. Sacramento Metropolitan Airport and Salinas Municipal Airport.
24. San Jose Municipal Airport and Visalia Airport.
25. Fresno Air Terminal and Modesto City-County Airport.
26. Visalia Airport and Modesto City-County Airport.

It was alleged that applicant was actually operating in good faith in providing transportation of passengers by air between the above-listed airport pairs on April 1, 1969 and continuously thereafter, in addition to performing those services authorized by applicant's original certificate of public convenience and necessity granted by this Commission in Decision

A. 51212 ds

No. 74927 in Application No. 50279 (issued November 13, 1968). It was further alleged that applicant at the same times had been operating in interstate commerce serving points within Nevada.

The amendment to the application requested deletion of Routes 8, 9, 10 and 23, above, on the grounds that applicant had ceased service between those airport pairs.

In letters to the Commission dated December 12, 1969 and January 4, 1970,^{1/} applicant's counsel stated the position of applicant concerning the proposed certificate, which the Commission staff had submitted for consideration. The issues raised by applicant concern:

1. The type or types of aircraft to be operated by applicant.
2. Whether applicant should be required to offer service to and from Sacramento on its San Francisco-Tahoe operation.

Exhibit 1 indicates that applicant will accept limitations on aircraft types as provided in the certificate in Appendix A.

A restriction to limit size of aircraft to 25 passengers for the operations involved herein is appropriate. We conclude that a 25-passenger limitation is a more reasonable type of restriction than a restriction based on weight of plane. It is the Commission's intent that prescriptive rights should not be upgraded to provide service with substantially larger aircraft than are now being operated by applicant without obtaining formal Commission authorization.

As to the second issue, applicant desires to reserve the right to seek later hearing on necessity for the Sacramento stop. Ordering paragraph 3 accommodates this reservation.

1/ Hereby incorporated in the formal file as Exhibit 1.

The application was listed on the Commission's Daily Calendar on July 2, 1969. No protests have been received; no public hearing appears necessary.

The Commission finds that:

1. The above-entitled application was filed on or before July 1, 1969.
2. Applicant was actually operating in good faith as of April 1, 1969 and continuously thereafter between those pairs of points included in the certificate attached hereto as Appendix A, which were not included in the certificate authorized by Decision No. 74927.

The Commission concludes that the certificate should be issued as set forth in Appendix A.

Golden Pacific Airlines, Inc. is hereby placed on notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate fixing for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights. Aside from their purely permissive aspect, such rights extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be modified or canceled at any time by the State, which is not in any respect limited as to the number of rights which may be given.

O R D E R

IT IS ORDERED that:

1. Applicant is hereby granted the certificate as set forth in Appendix A, to be effective on the date of filing an acceptance

by applicant as provided in paragraph 2(a) below. The certificate granted by Decision No. 74927 shall be canceled concurrently.

2. In providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations. Failure so to do may result in a cancellation of the operating authority granted by this decision.

(a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicant is placed on notice that it will be required, among other things, to file annual reports of its operations and to comply with and observe the requirements of the Commission's General Orders Nos. 105-A, 120-B and 129.

(b) Within one hundred and twenty days after the effective date hereof, applicant shall file timetables, in triplicate, in the Commission's office.

3. Acceptance of the certificate granted herein shall not constitute a waiver of applicant's right to later seek abolition of the Sacramento Stop on Route No. 3.

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

Dated at San Francisco, California, this 13th day of JANUARY, 1970.

William J. Lyons
President

August

W. J. Lyons

Thomas L. Moran
Commissioners

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.

The authority granted herein to Golden Pacific Airlines, Inc., supersedes the previously granted certificate of public convenience and necessity granted in Decision No. 74927.

Golden Pacific Airlines, Inc., by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to operate as a passenger air carrier over the routes and between the points listed below:

Route 1 SAN FRANCISCO-EUREKA Intermediate Points: Napa, Santa Rosa & Ukiah

UKI - SFO	*STS - AVC (via UKI)	NCA - SFO
UKI - STS	UKI - AVC	UKI - NCA
STS - SFO	SFO - AVC	

Route 2 SAN FRANCISCO-CONCORD

SFO - CCR

Route 3 SALINAS-SOUTH LAKE TAHOE Intermediate Points: San Jose, San Francisco and Sacramento

*SFO - TVL (via SMF)	SNS - SJC
SFO - SMF	SMF - SJC
TVL - SMF	SFO - SJC
SNS - SFO	

Route 4 SAN FRANCISCO-STOCKTON

SFO - SCK

Route 5 SAN FRANCISCO-VISALIA Intermediate Points: San Jose and Fresno

VIS - SFO	FAT - SJC
SFO - FAT	SJC - VIS
VIS - FAT	SFO - SJC

Route 6 SAN FRANCISCO-MERCED Intermediate Point: Modesto

MOD - SFO	MCE - MOD
MCE - SFO	

Route 7 SACRAMENTO-EUREKA

SMF - AVC

Issued by California Public Utilities Commission.

Decision No. 76668, Application No. 51212.

Route 3 SACRAMENTO-VISALIA Intermediate Points: Modesto, Merced
and Fresno

VIS - FAT MCE - MOD *SMF - VIS (via MOD and FAT)
FAT - SMF MOD - SMF *VIS - MOD (via FAT)
FAT - MOD

Conditions

1. Authority granted herein is limited to service over the specific routes described above. Direct Service between a point on one route and a point on any other route shall not be provided except through junction points of two or more routes.
2. Airport pairs marked with (*) shall be served via intermediate point or points shown.
3. On each route each airport shall be served with a minimum of one flight in each direction on each of five days a week.
4. No passenger shall be carried whose transportation is solely between the respective airports of SFO and SJC.
5. No aircraft having more than 25 revenue passenger seats shall be operated.
6. The following airports shall be used:

<u>Symbol</u>	<u>Location</u>	<u>Name</u>
AVC	Eureka/Arcata	Eureka-Arcata Airport
CCR	Concord	Buchanan Field
FAT	Fresno	Fresno Air Terminal
MCE	Merced	Merced Municipal Airport
MOD	Modesto	Modesto Municipal Airport
NCA	Napa/Vallejo	Napa County Airport
SCK	Stockton	Stockton Metropolitan Airport
SFO	San Francisco	San Francisco International Airport
SJC	San Jose	San Jose Municipal Airport
SMF	Sacramento	Sacramento Metropolitan Airport
SNS	Salinas	Salinas Municipal Airport
STS	Santa Rosa	Sonoma County Airport
TVL	South Lake Tahoe	Tahoe Valley Airport
UKI	Ukiah	Ukiah Municipal Airport
VIS	Visalia	Visalia Municipal Airport

Issued by California Public Utilities Commission.

Decision No. 76668, Application No. 51212.