

ORIGINAL

Decision No. 77435

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of CF Air Freight, Inc.)
for a certificate of public conven-)
ience and necessity to institute a)
freight forwarding service by air.)

Application No. 51881
(Filed May 6, 1970)

O P I N I O N

CF Air Freight, Inc. requests a certificate of public convenience and necessity, pursuant to Sections 220 and 1010 of the Public Utilities Code, to conduct intrastate business as an air freight forwarder of general commodities.

Applicant is a Delaware corporation qualified to operate within the State of California.

Applicant is an air freight forwarder holding operating authorization No. 331 for domestic operations and No. 417 for international operations, issued by the Civil Aeronautics Board.

Applicant alleges that the movement of air freight cargo on an intrastate basis is required from time to time as a necessary incident to adequately serve applicant's regular customers who ship interstate. The granting of the authority will enable applicant to serve the shipping public more efficiently by providing specialized air freight service between points in the State of California.

Applicant does not operate any aircraft directly or indirectly and is limited to the use of aircraft operated by common carriers by air. Applicant proposes rates, rules and regulations

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which are competitive with Emery Air Freight Corporation, California Intrastate Airfreight Tariff No. 1 Cal. P.U.C. No. 6.

Exhibit "A" attached to the application as of February 28, 1970 shows total assets of \$921,517.

Copies of the application were mailed to interested parties. No protests have been filed.

The Commission finds as follows:

1. Applicant possesses the experience, equipment and financial resources to institute and maintain the proposed service.
2. Public convenience and necessity require that the application be granted as set forth in the ensuing order.
3. A public hearing is not necessary.

We therefore conclude that the application should be granted.

CF Air Freight, Inc. is 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. A certificate of public convenience and necessity is granted to CF Air Freight, Inc., authorizing it to operate as

a freight forwarder, as defined in Section 220 of the Public Utilities Code, between the points and subject to the conditions set forth in Appendix A attached hereto and made a part herein.

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. Applicant is placed on notice that, if it accepts the certificate of public convenience and necessity herein granted, it will be required, among other things, to file annual reports of its operations.
- b. Within one hundred twenty days after the effective date hereof, applicant shall establish the service herein authorized and file tariffs, in triplicate, in the Commission's office.
- c. The tariff filings shall be made effective not earlier than thirty days after the effective date of this order on not less than thirty days' notice to the Commission and the public, and the effective date of the tariff filings shall be concurrent with the establishment of the service herein authorized.

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- d. The tariff filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 117.

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

Dated at San Francisco, California, this 30th
day of JUNE, 1970.

William Sproule
President
Angus
S. Miller
Alan
James L. Stinger
Commissioners

CF Air Freight, Inc., by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to operate as a freight forwarder, as defined in Section 220 of the Public Utilities Code, via the lines of air common carriers, highway common carriers and passenger stage corporations, subject to the following conditions:

1. Applicant shall not ship or arrange to ship any property unless such property shall have transportation by aircraft originating at one of the following airports:

Los Angeles International Airport
San Francisco International Airport

on the one hand, and terminate at the following points served by air common carriers, on the other hand:

Bakersfield	Palm Springs
Chico	Paso Robles
Crescent City	Red Bluff
Eureka	Redding
Fresno	Sacramento
Los Angeles	San Diego
Marysville	San Francisco
Merced	Santa Barbara
Modesto	Santa Maria
Monterey	Stockton
Oakland	Visalia
Oxnard	

2. In emergencies only, highway common carriers or passenger stage corporations may be used as underlying carriers to provide transportation between the airports specified in Paragraph 1 hereof.

Issued by California Public Utilities Commission.

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3. No collection or distribution service shall be provided by CF Air Freight, Inc. to or from any point more than 25 airline miles distance from any airport served by it. As used herein "point" means any point within 25 airline miles of the city limits of any city in which is located an airport or 25 airline miles of any airport located in an unincorporated area.

Issued by California Public Utilities Commission.

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