

ORIGINAL

Decision No. 77853

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 TRANS SIERRA AIRLINES, a corporation,
 for a certificate of public conven-
 ience and necessity as a passenger
 air carrier between the airports of
 Los Angeles International; Bishop,
 California; Mammoth Lakes, Califor-
 nia; and San Francisco International,
 pursuant to Sections 2753-2756 of the
 California Public Utilities Code.

Application No. 52044
 (Filed July 16, 1970)

ORDER GRANTING PETITION TO INTERVENE AND
DENYING MOTION TO DISMISS AND MOTION
FOR A CONTINUANCE OF HEARING

In the above application Trans Sierra Airlines (TSA) seeks a certificate of public convenience and necessity to operate as an air passenger carrier on the following route:

Los Angeles - Bishop/Mammoth Lakes
 Bishop - Mammoth Lakes - San Jose.

A protest to TSA's application was filed by California Sierra Airlines (Cal Sierra). Cal Sierra was granted a certificate of public convenience and necessity to operate between Long Beach - Mammoth Lakes - San Francisco by Decision No. 75373, dated February 25, 1969, in Application No. 50391, but it has never commenced operations. The time limit for the commencement of such service was extended to January 1, 1971, by Decision No. 77309, dated June 3, 1970.

A prehearing conference was held on September 11, 1970 to determine the issues involved; to set dates for mailing prepared testimony and exhibits, and to schedule the hearing. Prepared testimony and exhibits have been mailed and the matter is presently

scheduled for hearing on October 26, 1970 in Bishop, and for October 27-30 in Los Angeles.

On October 19, 1970 Alpine Air Bus, Inc. (Alpine) filed a petition to intervene as a protestant on the ground that it intends to file an application to operate on the same route. It also requests that the prehearing conference be reopened, or in the alternative that TSA's application be dismissed without any hearing. The petition also requests that in any event the hearing be continued because its attorney is unavailable for the hearing as now scheduled.

TSA's application has been on file since July 16, 1970. A duly noticed prehearing conference has been held. The hearing dates have been published in the Commission calendar. At the present time Alpine has not filed an application to serve the same route. TSA opposes any delay in the proceeding.

The Commission concludes that dismissal of the application or delay in the present hearing schedule is not in the public interest. There is presently no service on the route involved. The applicant asserts there is substantial public demand for such service, particularly during the winter season. A continuance of the hearing would, in all likelihood, make impossible the rendering of a decision on granting either a temporary or a permanent certificate this year.

The Commission will, however, grant Alpine's petition to intervene in the status of an interested party. It is noted that it has retained as counsel a law firm of at least three attorneys. Alpine will be expected to appear at the hearings as scheduled. If it is unable to, subsequent hearing dates can be arranged for the purpose of affording it the opportunity to present its position to the Commission in accordance with the requirements of due process.

IT IS ORDERED that the petition to intervene by Alpine Air Bus, Inc., is granted to the extent that it may participate as an interested party to any extent it wishes; and that the motion to dismiss, the motion to reopen the prehearing conference, and the motion to continue the hearing in the above proceeding are denied.

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

Dated at San Francisco, California, this 22nd day of OCTOBER, 1970.

Chairman

Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.