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ORIGINAL

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)

BORREGO SPRINGS AIRLINE,)

a California corporation, for)
authority to serve between Borrego)
Springs and Palm Springs, California.)

Application No. 52247

(Filed October 14, 1970)

O P I N I O N

Borrego Springs Airline (BSA) operates as a passenger air carrier between the San Diego County Airport at Borrego Springs and Lindbergh Field at San Diego pursuant to authority issued in Decision No. 75558, dated April 15, 1969, in Application No. 49781. By this application, BSA seeks authority to serve between San Diego County Airport at Borrego Springs and Palm Springs Municipal Airport at Palm Springs. The proposed fares for this service are:

One-Way \$10.00

Round Trip \$15.00

These fares are adult fares and include the applicable 8 percent Federal transportation tax.

No scheduled airline service is presently available from Borrego Springs to Palm Springs; nor is any common carrier passenger service available at Borrego Springs by rail, bus or air other than BSA's service. Palm Springs is served by various air carriers providing service to and from points within and outside of California.

It is convenient for some air travelers flying to or from Borrego Springs to make connections at Palm Springs rather than San Diego. In addition, there are persons traveling between Palm Springs and Borrego Springs on business and pleasure. BSA proposes an initial schedule of a minimum of three round trips a week between Borrego Springs and Palm Springs, except during the months of June, July, August and September. BSA does not seek authority to provide nonstop service between San Diego and Palm Springs.

BSA presently operates a Cessna 402 in its passenger operations and this equipment will be used in the proposed operation. The addition of the Palm Springs terminal will involve no additional cost to BSA other than the setting up of a station. BSA has the necessary technical and management personnel to provide this additional service and has the necessary insurance coverage required by General Order No. 120-B.

No protests have been received. A public hearing is not necessary. The Commission finds that public convenience and necessity require that Palm Springs be added to BSA's route.

The application was listed on the Commission's Daily Calendar of October 15, 1970. The Commission concludes that the application should be granted and that BSA's authority should be restated.

Borrego Springs Airline 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. A certificate of public convenience and necessity is granted to Borrego Springs Airline, a corporation, authorizing it to operate as a passenger air carrier, as defined in Section 2741 of the Public Utilities Code, between the points and over the routes particularly set forth in Appendix A attached hereto and made a part hereof.

2. In providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations. Failure to do so 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. 120-B and 129.

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

- (c) The tariff and timetable filings shall be made effective not earlier than five days after the effective date of this order on not less than five days' notice to the Commission and the public, and the effective date of the tariff and timetable filings shall be concurrent with the establishment of the service herein authorized.
- (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. 105-A.

3. The certificate of public convenience and necessity granted in paragraph 1 of this order shall supersede the certificate of public convenience and necessity granted by Decision No. 75558, which certificate is revoked effective concurrently with the effective date of the tariff filings required by paragraph 2(b) hereof.

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

Dated at Los Angeles, California,
this 1st day of DECEMBER, 1970.

[Signature]
Chairman

[Signature]

[Signature]
Commissioners

The authority granted herein to Borrego Springs Airline supersedes the previously granted certificate of public convenience and necessity granted in Decision No. 75558.

Borrego Springs Airline, 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 between the points listed below:

Routes

- (1) San Diego International Airport (Lindbergh Field) - Borrego Springs (San Diego County Airport).
- (2) Borrego Springs (San Diego County Airport) - Palm Springs Municipal Airport.

Conditions

1. Carrier shall not carry passengers in nonstop operation between San Diego International Airport (Lindbergh Field) and Palm Springs Airport.
2. Minimum service on Route (2) shall be not less than three round trips per week, excluding the months of June, July, August and September.
3. No aircraft having more than 25 revenue passenger seats shall be operated.

Issued by California Public Utilities Commission.

Decision No. 78000, Application No. 52247.