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Decision No. 78035

ORIGINAL

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, California;  
and San Francisco International,  
pursuant to Sections 2753-2756 of the  
California Public Utilities Code.

Application No. 52044  
(Filed July 16, 1970)

ORDER DENYING PETITION FOR EXEMPTION AUTHORITY  
TO CONDUCT PASSENGER AIR CARRIER OPERATIONS

Trans Sierra Airlines (TSA), applicant herein, seeks a certificate of public convenience and necessity to operate as a passenger air carrier between Los Angeles and Bishop/Mammoth Lakes and San Jose.

A protest was filed by California Sierra Airlines. Shortly before public hearings were held, the Commission granted the request of Alpine Air Bus (Alpine) to participate as an interested party in opposition to TSA's application.

The public hearings were held before Examiner Foley in Bishop on October 26, 27, 28 and 29, 1970. On October 26, 1970, California Sierra Airlines withdrew its protest. Alpine requested that a subsequent hearing be held in which it could present evidence opposed to TSA's request. The Commission staff also requested additional time to prepare its study of the applicant's operations before a permanent certificate is issued. Hearings on TSA's request for a temporary certificate in order to establish service for the 1970-71 ski season at Mammoth Mountain were held and the matter was

submitted subject to filing of written statements upon receipt of the transcripts. The hearings on the issuance of a permanent certificate are scheduled for March 1-5, 1971 in San Francisco.

On October 22, 1970, the City of Bishop filed a petition requesting that TSA be permitted to conduct the proposed scheduled operations under the exemption authority provided in Section 2767 of the Public Utilities Code.<sup>1/</sup> In support of its petition, the city points to the lack of any present scheduled air carrier service, and it urges that there is an immediate public need for such service in the interest of recreational development.

TSA supports the city's request and states that it has been conducting charter flights into Mammoth Lakes Airport, and therefore it is ready to commence scheduled service at once. Alpine opposes the city's petition. The Commission staff did not take any position, but it opposes the issuance of a temporary certificate to TSA.

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1/ Section 2767 states:

"Upon application by a passenger air carrier or other interested party, the commission may, following a determination of necessity, exempt the passenger air carrier from the certificate provisions of Sections 2752, 2754 and 2754.1 upon a finding that such provisions impose an undue burden upon the carrier, a community, or area because of the immediate need for service including, but not limited to, conditions of national emergency, natural disaster or cessation of existing service by another carrier, except a cessation of existing service caused by a labor dispute, and that enforcement of such provisions would be contrary to the public interest. Exemptions issued pursuant to this section may be issued for a maximum of 90 days and may be renewed for the same or a lesser period."

Although the Bishop/Mammoth Lakes area has an immediate need for air carrier service, this need is not so great that an emergency situation can reasonably be said to exist. No great urgency has been alleged. There is air carrier charter service being provided by TSA. A hearing on the issuance of a temporary certificate has been completed. If a temporary certificate is granted, it should be issued promptly enough to permit TSA to operate for the greater part of this ski season. Under these circumstances the Commission concludes that the petition for exemption authority should not be granted.

Based upon the foregoing considerations,

IT IS ORDERED that the City of Bishop's petition is hereby denied.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 8th day of DECEMBER, 1970.

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Chairman  
*Dwyer*  
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*William J. ...*  
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*...*  
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*Yuman L. Stungen*  
Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.