

ORIGINAL

Decision No. 78879

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application)
of TRANS SIERRA AIRLINES, a)
corporation, for an order)
authorizing it to issue stock)
pursuant to Sections 816-819)
of the California Public)
Utilities Code)

Application No. 52632
Filed May 20, 1971

O P I N I O N

Trans Sierra Airlines, a passenger air carrier as defined in the Passenger Air Carriers' Act (Secs. 2739, et seq., of the Public Utilities Code) and a public utility as defined in Section 216(a) of said Code, seeks an order of the Commission authorizing it to issue 5,000 shares of its \$1 par value common stock in cancellation of \$5,000 indebtedness incurred for working capital.

Applicant is a California corporation operating as a passenger air carrier between the airports of Los Angeles International, Bishop, Mammoth Lakes and San Jose. The company conducts its operations pursuant to the temporary certificate of public convenience and necessity granted by Decision No. 78230, dated January 26, 1971, in Application No. 52044.

After consideration the Commission finds that (1) the proposed stock issue is for a proper purpose; (2) the money, property or labor to be procured or paid for by the issue of the stock herein authorized is reasonably required for the purpose specified herein; and (3) such purpose is not, in whole or in part, reasonably chargeable to operating expenses or to income.

On the basis of the foregoing findings we conclude that the application should be granted. A public hearing is not necessary.

O R D E R


IT IS ORDERED that:

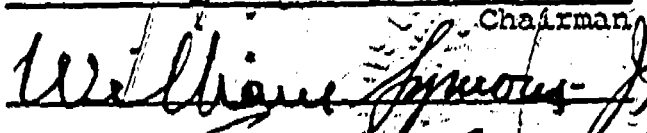
1. Trans Sierra Airlines, on or after the effective date hereof and on or before October 31, 1971, may issue not exceeding 5,000 shares of its \$1 par value common stock in cancellation of the \$5,000 indebtedness referred to in the application.

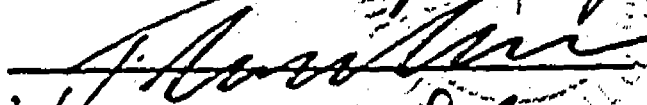
2. Trans Sierra Airlines shall file with the Commission the report required by General Order No. 24-B, which order, insofar as applicable, is hereby made a part of this order.


3. This order shall become effective when Trans Sierra Airlines has paid the minimum fee prescribed by Section 1904.1 of the Public Utilities Code, which fee is \$50.

Dated at San Francisco, California, this 29th day of JUNE, 1971.



Chairman






Commissioners

Commissioner D. W. Holmes, being necessarily absent, did not participate in the disposition of this proceeding.

Decision No. 79151

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application)	
of TRANS SIERRA AIRLINES, a)	
corporation, for an order)	
authorizing it to issue stock)	Application No. 52632
pursuant to Sections 816-819)	
of the California Public)	
Utilities Code)	

FIRST SUPPLEMENTAL OPINION

By Decision No. 78879, dated June 29, 1971, in the above-entitled matter, the Commission authorized Trans Sierra Airlines to issue not exceeding 5,000 shares of its \$1 par value common stock in cancellation of a \$5,000 indebtedness. Said decision was to become effective upon payment of the \$50 minimum fee prescribed by Section 1904.1 of the Public Utilities Code.

By letter dated May 25, 1971, counsel for applicant expressed the understanding that this Commission has declined to exercise jurisdiction over the issuance of stock by a passenger air carrier. As a result of such understanding, applicant "abandoned" the application and has refused to pay the required \$50 fee.

The Commission has instituted an investigation into the public utility status of passenger air carriers and into the applicability of the provisions of the Public Utilities Act to their security issues (Case 9267). Under these circumstances, and because the order in said Decision No. 78879 has not become effective, it should be vacated and set aside and the application should be dismissed without prejudice. A public hearing is not necessary.

In this connection applicant's attention is directed to the first sentence of Section 825 of said Code, which sentence reads as follows:

"All stock and every stock certificate or other evidence of interest or ownership, and every bond, note, or other evidence of indebtedness, of a public utility, issued without an order of the commission authorizing the issue thereof then in effect or not conforming in its provisions to any of the provisions which it is required by the order of authorization to contain, is void."

FIRST SUPPLEMENTAL ORDER

IT IS ORDERED that the order in Decision No. 78879, dated June 29, 1971, is hereby vacated and set aside.

IT IS FURTHER ORDERED that Application No. 52632 is hereby dismissed without prejudice.

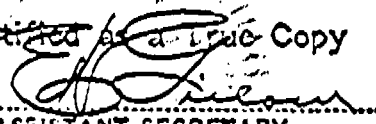
The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California,
this 21st day of SEPTEMBER, 1971.

J. P. VUKASIN, JR.
Chairman
WILLIAM SYMONS, JR.
VERNON L. STURGEON
D. W. HOLMES
Commissioners

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

Certified as a True Copy


ASSISTANT SECRETARY
PUBLIC UTILITIES COMMISSION
STATE OF CALIFORNIA