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ORIGINAL

Decision No. 79075

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
SABER AIR FREIGHT, INC., a corpora-  
tion, Los Angeles, California, for  
a Certificate of Public Convenience  
and Necessity as a freight forwarder  
of general commodities between points  
in the State of California.

Application No. 52601  
(Filed May 5, 1971)

O P I N I O N

By this application Saber Air Freight, Inc., a California corporation, requests a certificate of public convenience and necessity, pursuant to Section 1010 of the Public Utilities Code, to conduct business as a freight forwarder of general commodities, utilizing the lines of air common carriers, highway common carriers and passenger stage corporations from points within twenty-five miles of various airports, set forth in Exhibit D attached to the application, to various destination points within a twenty-five mile radius of various cities, also set forth in Exhibit D attached to the application.

Applicant is presently engaged in business as an interstate air freight forwarder under Civil Aeronautics Board Operating Authorization No. 266 and as an International Air Freight Forwarder under Operating Authorization No. 357.

Applicant maintains a terminal at Inglewood, California, and has agents throughout California to provide the proposed service.

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 in interstate or foreign commerce and that the granting of the authority herein sought would, among other things, enable applicant

to fully serve the shipping public, including those who rely upon its domestic and international air freight forwarding operations with need for such additional intrastate service, by providing experienced, efficient, economical, and expedited air freight forwarder service, all to shippers' benefit and meeting their need.

In providing service as an air freight forwarder, applicant will cause to be picked up commodities at the shipper's origin located throughout the State of California; after consolidation, applicant will arrange for transportation of such consolidated shipments by motor vehicle to airports in the State of California where the property will be transported by air carrier to other California airports, where the property, in turn, will be picked up by motor vehicle and, after segregation, will be delivered to the consignee.

In the conduct of the proposed operations, applicant would utilize highway common carriers, air carriers, passenger stage corporations, and permitted carriers, all as may be appropriate.

Applicant, in performing the proposed service, will assume responsibility for the through transportation of the property from the origin to destination, pursuant to tariff rates and charges and rules and regulations filed with this Commission.

Applicant's proposed service would be performed on an "on call" basis and would be limited or restricted by the operating schedules of carriers operating under authorization of the Civil Aeronautics Board or this Commission.

Applicant's balance sheet dated December 31, 1970, shows total assets of \$30,312.23 and total liabilities of \$23,394.98. Its profit and loss statement for the calendar year 1970 discloses a net profit of \$7,723.73.

The application was served in accordance with the Commission's procedural rules and was listed on the Commission's Daily Calendar of May 7, 1971. There are no protests.

After consideration, the Commission finds that:

1. Applicant possesses the experience and financial resources to institute and maintain the proposed service.
2. Public convenience and necessity require the proposed service be authorized.
3. A public hearing is not necessary.

The Commission concludes that the application should be granted as set forth in the ensuing order.

Saber 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 Saber Air Freight, Inc., a corporation, 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 hereof.
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.
- 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 21/08/71 day of AUGUST, 1971.

[Signature]  
Chairman  
[Signature]  
[Signature]  
[Signature]  
Commissioners

Saber 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 arrange to ship any property unless such property shall have transportation by aircraft originating at one of the following named airports:

Ontario International Airport  
 Long Beach Municipal Airport  
 Los Angeles International Airport  
 Lockheed Air Terminal, Inc. (Burbank)  
 Oakland International Airport  
 Orange County Airport  
 Sacramento Municipal Airport  
 San Diego International Airport  
 San Francisco International Airport  
 San Jose Municipal Airport  
 Palmdale Airport

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

Apple Valley	Los Angeles	Salinas
Arcata-Eureka	Marysville	San Bernardino
Bakersfield	Merced	San Diego
Blythe	Modesto	San Francisco
Burbank	Monterey	San Jose
Chico	Oakland	San Luis Obispo
Crescent City	Ontario	Santa Ana
El Centro	Oxnard	Santa Barbara
Fresno	Palmdale	Santa Maria
Indio	Palm Springs	Santa Rosa
Inyokern	Paso Robles	Stockton
Laguna Beach	Red Bluff	Ventura
Lake Tahoe	Redding	Visalia
Lancaster	Riverside	Yuba City
Long Beach	Sacramento	

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2. In emergencies only, such as an airport being closed because of inclement weather, highway common carriers or passenger stage corporations may be used as underlying carriers to provide transportation between the airports specified in paragraph 1 hereof.
3. No collection or distribution service shall be provided by Saber Air Freight, Inc., to or from any point more than 25 airline miles distant from any airport served by it unless said service beyond said 25 airline miles is performed by a highway common carrier. 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.
4. Saber Air Freight, Inc., shall establish door-to-door rates for service between airports, including points within 25 miles thereof as defined in paragraph 3 herein. On traffic moving to or from points beyond said 25-mile radius, Saber Air Freight, Inc., shall, in addition to said door-to-door rates, assess the lawful tariff rates of any highway common carrier utilized to perform said beyond service.