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ORIGINAL

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

AIR CALIFORNIA, a California
corporation,

Complainant,

vs.

PACIFIC SOUTHWEST AIRLINES,
a California corporation,

Defendant.

Case No. 9160

ORDER GRANTING PETITION FOR MODIFICATION

By Decision No. 78619, dated April 27, 1971, in Case No. 9160, Air California v. Pacific Southwest Airlines, the Commission ordered defendant Pacific Southwest Airlines (PSA) to cease and desist from conducting nonstop passenger air carrier service between San Diego and San Jose. Shortly thereafter, PSA filed a petition for rehearing. This petition was denied in Decision No. 78804, dated June 22, 1971.^{1/}

In its present petition PSA requests that the Commission delete the statement in Decision No. 78804 which classifies PSA as a public utility. PSA denies that it is a public utility and alleges that this statement constitutes a new finding improperly included in an order denying rehearing.

Upon consideration of PSA's petition the Commission concludes that the statement should be deleted from Decision No. 78804 in order to conclude this proceeding in this forum. In granting PSA's request, however, we do not accept its denial of

^{1/} On July 22, 1971 PSA filed a Petition for Writ of Review with the California Supreme Court (S.F. No. 22829).

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public utility status as being correct. We find only that it is not appropriate to include such a statement relating to a particular passenger air carrier in the order denying rehearing. The Commission has instituted an investigation into the possible public utility status of all passenger air carriers in Case No. 9267, and the issue will be heard and decided in that proceeding. For these reasons;

IT IS ORDERED that Decision No. 73804, Order Denying Rehearing in Case No. 9160, is modified by deleting the words "and a public utility as defined in Section 216(a) of said Code", which appear in the third and fourth lines of said order.

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

William J. Moran
Chairman
William J. Moran, Jr.
Vernon L. Stinger
Thomas Moran
Commissioners

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