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ORIGINAL

Decision No. 79246

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of D. W. MERCER, doing  
business as MERCER ENTERPRISES,  
for a certificate of public convenience and necessity as an air carrier.

Application No. 48157

Application of Mercer Enterprises, a  
California Corporation, and of  
D. W. Mercer dba Mercer Enterprises,  
for transfer to the first applicant  
from the second applicant, of Certificate of Public Convenience and Necessity, issued under Order No. 71490 on November 1, 1966.

Application No. 51106

ORDER OF TEMPORARY SUSPENSION

By Decision No. 71490 dated November 1, 1966 in Application No. 48157, D. W. Mercer, an individual doing business as Mercer Enterprises, was granted a certificate of public convenience and necessity authorizing operations as a passenger air carrier as defined in Section 2741 of the Public Utilities Code between Burbank, Long Beach and Brown Field (San Diego County). Said certificate was transferred to Mercer Enterprises, a California corporation, pursuant to authorization granted by Decision No. 75894 dated July 8, 1969, in Application No. 51106.

On August 11, 1971, Mercer Enterprises filed its petition requesting a temporary suspension of its certificate of public convenience and necessity for a period of approximately seven months (August 9, 1971 to and including February 28, 1972). The petition states that the request is occasioned by lack of business as well as a recent fire disaster which destroyed the facility used by its passengers.

Section 2766 of the Public Utilities Code provides:

"Upon application for suspension or deletion of any certificated point, the commission may authorize a special temporary suspension. Such suspension, when authorized, shall be effective 30 days after the filing of said application and shall only remain effective, however, pending hearing and decision on the application if an interested person or party so requests. The special temporary suspension may be ordered for a maximum 90-day period, and may be renewed by the commission for an additional 90-day period, if such additional time is required to complete the proceedings before the commission, except that a stay of the commission's decision, on its own motion or by the Supreme Court, will serve to continue the special temporary suspension until 10 days after termination or a review proceeding."

It is clear that a temporary suspension can only be granted for a period of 90 days.

After consideration the Commission finds and concludes that a temporary suspension should be granted as set forth in the ensuing order. ✓

IT IS ORDERED that:


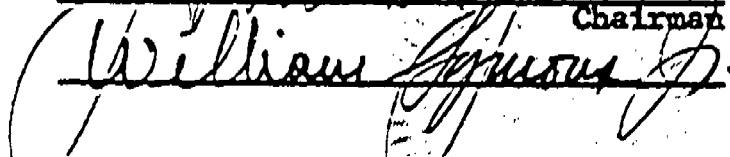
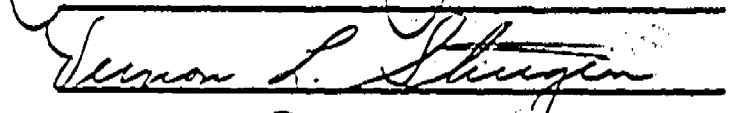

1. The certificate of public convenience and necessity granted by Decision No. 71490 dated November 1, 1966, and transferred by Decision No. 75894 dated July 8, 1969, is hereby suspended for a period of 90 days.

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2. All tariffs and timetables presently on file with this Commission in the name of Mercer Enterprises are suspended for a period of 90 days.

The effective date of this order shall be September 10, 1971.

Dated at San Francisco, California, this 13th day of OCTOBER 1971.

  
Chairman  
  
  
  
Commissioners

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