

MS

Decision No. 79750

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Air California for a modification in its Certificate of Public Convenience and Necessity in either direction between San Diego, on the one hand, and San Jose/Oakland, on the other hand.

Application No. 52165

In the Matter of the Application of PACIFIC SOUTHWEST AIRLINES for a certificate of public convenience and necessity in either direction between San Diego and Sacramento, nonstop; San Diego and Sacramento via San Francisco/San Jose or Oakland; San Diego/Santa Ana/San Francisco/San Jose/Oakland; San Diego/Santa Ana/San Francisco or San Jose or Oakland and Sacramento; Santa Ana/San Francisco/San Jose/Oakland; Santa Ana and Oakland via San Jose; Santa Ana and Sacramento via San Francisco/San Jose or Oakland; Santa Ana and Sacramento, nonstop.

Application No. 51080

ORDER EXTENDING TEMPORARY MODIFICATION
OF OPERATING AUTHORITY GRANTED IN
DECISION NO. 77768 UNTIL JULY 31, 1972

By Decision No. 77768 dated September 22, 1970, in Application No. 52165, the Commission granted Air California (Air Cal) temporary authority to modify its nonstop operating authority between San Diego and San Jose and between San Diego and Oakland to permit it to operate this service via Orange County Airport (Santa Ana).

The time period for this temporary modification was extended to August 31, 1971 by Decision No. 78276, dated February 2, 1971. That decision consolidated Air Cal's Application No. 52165 with Phase I of Application No. 51080 filed by Pacific Southwest

Airlines (PSA). By Decision No. 79083, dated August 24, 1971, a further extension of time was granted to February 29, 1972 pending completion of the consolidated hearing. Public hearings in the consolidated matters were held between September 7 and 14, 1971 in San Diego. Opening and closing briefs were submitted on December 7 and 23, 1971, respectively, and the matters are now under submission.

By the petition filed herein, Air Cal requests that the termination date of February 29, 1972, set forth in Decision No. 79083, be extended to August 31, 1972 to allow for completion of the decision-making process. Air Cal also requests that the temporary authority to carry local passengers between San Diego and Orange County Airport, which was granted by Decision No. 78299, dated February 9, 1971, be extended to the same date.

A protest to the request for a further extension has been filed by PSA. It alleges that Air Cal's continued operations between San Diego and San Jose/Oakland are not in the public interest because they are unprofitable to Air Cal and harmful to PSA in that it suffers traffic diversion from its San Diego - San Jose/Oakland flights which operate via Los Angeles. PSA further requests that if the Commission grants an extension it be limited to a time period of no later than 10 days after the Commission's final decision in the consolidated proceeding presently under submission.

The Commission concludes that Air Cal's temporary authority should be extended for the reasons stated in our earlier decisions granting such extensions of time. The issues raised by both PSA and Air Cal in the consolidated proceeding have been heard and are now under submission. A final decision should be rendered before July 31, 1972. We will grant an extension of time to that date.

A. 52165 & A. 51080 ms

IT IS ORDERED that the temporary authority extended by Decision No. 79083, dated August 24, 1971, is extended to remain in effect until July 31, 1972.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 23rd day of FEBRUARY, 1972.

William J. Brown Chairman
Vernon L. Sturgeon
Commissioners

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