

Decision No. 79899**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
GOLDEN WEST AIRLINES, INC., for a)
certificate of public convenience)
and necessity to provide passenger)
air carrier service to and from)
Mojave, Burbank and Palmdale/)
Lancaster Airports.)

Application No. 52368
(Filed December 23, 1970)

OPINION AND ORDER

The original application sought temporary and permanent authority to operate as a passenger air carrier between Los Angeles and Burbank, and Mojave and Palmdale/Lancaster.

A temporary certificate was issued by Decision No. 78538 herein on April 13, 1971. The certificate was further extended by Decision No. 79264, issued herein on October 19, 1971 and again by Decision No. 79556 on January 4, 1972.

Discussion

Applicant's mail contract requires flights to Mojave. It seeks authority to carry passengers on the same route.

If applicant is limited to carrying passengers only on those flights which are required to perform the mail service there is little cause to be concerned about economic justification for the proposed operation. Since the mail operation is a non-utility operation it is presumed to be self-supporting, and any extra passenger revenue obtained will be a net benefit to the carrier's public utility service.

In such circumstances we think a permanent certificate over the route between the Mojave and Los Angeles Airports is justified.

No economic justification has been shown for making permanent or further extending the remaining route authorizations.

Findings

1. The public would be benefited if applicant were permitted to continue to carry passengers on its mail flights between Los Angeles and Mojave, and the revenues from such service will help to support applicant's other public services.

2. Public convenience and necessity require the continuation of the existing transportation service between Los Angeles and Mojave.

Conclusion

Applicant should be granted a certificate of public convenience and necessity as set forth in Appendix A attached hereto.

Golden West Airlines, Inc., is hereby 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.

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Golden West Airlines, Inc., authorizing it to operate as set forth in the appendix attached hereto (Fourth Revised Pages 2 and 3) as a passenger air carrier as defined in Section 2741,

limited to the carrying of passengers on flights operated for the purpose of fulfilling Golden West's contractual obligation to carry mail.

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. By accepting the certificate of public convenience and necessity herein granted, applicant is placed on notice that it will be required, among other things, to file annual reports of its operations and to comply with and observe the requirements of the Commission's General Orders Nos. 120-Series and 129.
- (b) Within one hundred and twenty days after the effective date hereof, applicant shall establish the service herein authorized and file tariffs and timetables, in triplicate, in the Commission's office.
- (c) The tariff and timetable filings shall be made effective not earlier than five days after the effective date of this order on not less than five days' notice to the Commission and the public, and the effective date of the tariff and timetable 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. 105-A.

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

Dated at San Francisco, California, this 4th day of APRIL, 1972.

[Signature]
Chairman
William J. [Signature]
[Signature]
James L. Steegen
[Signature]
Commissioners

JR

Appendix A
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GOLDEN WEST AIRLINES, INC.

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Route 6. Los Angeles - Catalina Island
Intermediate Point - Long Beach

LAX - LGB
LGB - SXC
*LAX - SXC (via LGB)
LAX - SXC (seasonal, June 1 through September 15)
LGB - AVX
LGB - TWH

Route 7. Orange County/Santa Ana - Catalina Island

SNA - SXC (seasonal, June 1 through September 15 each year.)

#Route 8. Los Angeles - Mojave

LAX - MHV

Conditions:

1. Authority granted herein is limited to passenger air carrier operations over the specific routes and between the airport pairs listed thereunder as described above.
2. Operation between an airport on one route and an airport on any other route shall not be provided except through an airport that is common to the two routes.
3. Airport pairs marked with "*" shall be served only via intermediate point or points shown.
4. On each route each airport shall be served with a minimum of one flight in each direction on each of five days a week.
5. Passengers shall be carried whose transportation is solely between the respective airports of SFO, SJC and Palo Alto, per temporary authority.

Issued by California Public Utilities Commission.

#Revised by Decision No. 79899, Application No. 52368.

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Conditions--Contd.

6. No aircraft having more than 25 revenue passenger seats shall be operated.
- #7. Deleted.
- #7.a. Service on Route 8 is limited to flights required for mail service.
8. The following airports shall be used:

<u>#Symbol</u>	<u>Location</u>	<u>Name</u>
STS	Santa Rosa	Sonoma County Airport
SFO	San Francisco	San Francisco International Airport
SJC	San Jose	San Jose Municipal Airport
MRY	Monterey	Monterey Peninsula Airport
SBA	Santa Barbara	Santa Barbara Municipal Airport
OXR	Oxnard	Oxnard/Ventura Airport
LAX	Los Angeles	Los Angeles International Airport
EMT	El Monte	El Monte/Pasadena Airport
ONT	Ontario	Ontario International
PSP	Palm Springs	Palm Springs Municipal
RAL	Riverside	Riverside Municipal Airport
LGB	Long Beach	Long Beach International Airport
FUL	Fullerton	Fullerton Municipal Airport
SNA	Santa Ana	Orange County Airport
SXC	Catalina Island	Airport-In-The-Sky, Hilltop
TWH	Catalina Island	Two Harbors (Seaplane Operations)
AVX	Catalina Island	Avalon Bay (Seaplane Operations)
SBT	Colton/San Bernardino	Tri-City Airport
MHV	Mojave	Mojave Airport

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