

ORIGINAL

Decision No. 79998

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of }
 SWIFT-AIRE LINES, INC., a corpora- }
 tion, for authorization to operate }
 as a passenger air carrier and }
 freight air carrier, between San }
 Luis Obispo and Sacramento, via San }
 Francisco, and between San Luis }
 Obispo and Los Angeles. }

Application No. 50642

Charles G. Wiswell, for Swift-Aire Lines,
 Inc., applicant.

Cohen, Oster & Millard, by Mark S. Millard,
 Attorney at Law, for Golden West Airlines,
 Inc; James E. Lawrence, for Golden Pa-
 cific Airlines; E. D. Hodge, for County
 of Santa Clara; and Richard G. Hildreth,
 Attorney at Law, for San Francisco and
 Oakland Helicopter, Inc., interested
 parties.

Scott K. Carter, Attorney at Law, for the
 Commission staff.

ORDER PERMANENTLY GRANTING PETITION FOR MODIFICATION
OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

By this petition, filed August 17, 1970, Swift-Aire Lines, Inc. (Swift), requests modification of its certificate of public convenience and necessity to operate as a passenger air carrier which was granted in Decision No. 75372, issued herein on February 25, 1969, and which was amended by Decision No. 75839, dated June 24, 1969.

Swift seeks to have Restriction No. 5 revised to remove the prohibition on service between San Francisco International Airport (SFO) and San Jose Airport (SJC). This condition prevents Swift from carrying passengers solely between SJC and SFO. It was included in Swift's certificate because service between these two airports had been regularly provided by San Francisco-Oakland

Helicopter Airlines, Inc. (SFOH). On August 14, 1970 SFOH ceased such service.

By Decision No. 77645, dated August 21, 1970, Swift's petition was temporarily granted and consolidated with similar applications filed by Golden Pacific Airlines, Inc., Golden West Airlines, Inc., and Valley Airlines, Inc. (Valley).

A prehearing conference was held in this consolidated matter on September 16, 1970, at which it was decided that the Commission should first resolve the question whether Valley held prescriptive certificate authority for this route as alleged in Application No. 51211, filed July 1, 1969. By Decision No. 78571, dated April 20, 1971, in Application No. 51211, the Commission determined, after a hearing, that Valley did not have such prescriptive authority.¹

A further prehearing conference was held on December 1, 1971. At this conference, Golden Pacific Airlines, Inc., Golden West Airlines, Inc. and Swift, each stated that it had no objection to the petition or application of the others to operate on the SFO-SJC route; and that consequently a public hearing was not necessary.

On February 15, 1972, the Commission staff filed an advice of participation recommending that Swift's temporary authority be made permanent. There are no protests.

After consideration the Commission finds that Swift's temporary modification of its certificate should be made permanent for the limited purpose of permitting Swift to carry SFO-SJC passengers on its flights which operate between these two points on the way to or from destinations beyond them. Therefore, we will


¹ Valley's separate application for this authority was dismissed at its request, Decision No. 79769, dated February 25, 1972, in Application No. 52133.

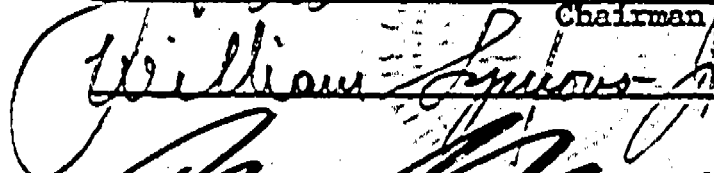
amend Condition No. 5 in Swift's certificate to prohibit the operation of turnaround service between SFO-SJC in order to assure the avoidance of unnecessary wing-tip to wing-tip competition.


IT IS ORDERED that the modification of Swift-Aire Lines, Inc.'s certificate of public convenience and necessity granted by Decision No. 77645, dated August 21, 1970, in this proceeding is hereby made permanent and Condition No. 5 is revised as set forth in Fourth Revised Page 2 of Appendix A attached hereto. ✓


The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 2nd day of MAY, 1972.



Chairman






Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

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. Each airport shall be served with a minimum of one flight in each direction on each of seven days a week, except that on Route 2 PRB shall be served with a minimum of one flight in each direction on each of five days a week.
4. Providing operations comply with Condition 3, carrier may serve the following airports on a "flag stop" basis:
Route 1 - SJC, PRB; Route 2 - SBP.
- #5. Passengers shall be carried whose transportation is solely between the respective airports of SFO and SJC. No turn-around service will be provided between SFO and SJC.
6. No aircraft having more than 25 revenue passenger seats shall be operated.
7. Passengers shall not be carried who have both origin and destination of the following pairs of points:
SBP and SMX, SBP and PRB, and SMX and PRB.
8. The following airports shall be used:

<u>Symbol</u>	<u>Location</u>	<u>Name</u>
SFO	San Francisco	San Francisco International Airport
SJC	San Jose	San Jose Municipal Airport
PRB	Paso Robles	Paso Robles Airport
SBP	San Luis Obispo	San Luis Obispo County Airport
LAX	Los Angeles	Los Angeles International Airport
SMX	Santa Maria	Santa Maria Airport

Issued by California Public Utilities Commission.

#Revised by Decision No. 79998, Application No. 50642. ✓