

ORIGINAL

Decision No. 80008

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 between the
points of San Francisco, San Jose,
and Palo Alto.

Application No. 52104
(Filed August 4, 1970)

Cohen, Oster & Millard, by Mark S. Millard, Attorney
at Law, for Golden West Airlines, Inc., applicant.
James E. Lawrence, for Golden Pacific Airlines, Inc.;
E. D. Hodge, for County of Santa Clara; and
Richard G. Hildreth, Attorney at Law, for San
Francisco & Oakland Helicopter, Inc.; interested
parties.
Scott K. Carter, Attorney at Law, for the Commission
staff.

ORDER GRANTING PERMANENT MODIFICATION TO CERTIFICATE
OF PUBLIC CONVENIENCE AND NECESSITY TO SERVE SAN FRANCISCO
AND SAN JOSE; AND REVOKING TEMPORARY CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY TO SERVE PALO ALTO

Applicant, Golden West Airlines, Inc. (GWA), requests modification of its certificate of public convenience and necessity to operate as a passenger air carrier, which was granted in Decision No. 77323, dated June 9, 1970. The modification would remove Condition No. 5 from the certificate granted in Decision No. 77323, insofar as service between SFO-SJC is concerned. This condition prevents GWA from carrying passengers solely between San Jose and San Francisco. It was included in GWA's certificate because service between these two airports has been regularly provided by San Francisco & Oakland Helicopter, Inc. (SFOH).

In addition, GWA seeks a certificate of public convenience and necessity to operate as a passenger air carrier between San Jose Airport (SJC), Palo Alto Air Terminal (PAO), and San Francisco International Airport (SFO) in order to provide service to PAO as an intermediate point.

By Decision No. 77612, dated August 13, 1970, GWA was temporarily granted the requested modification and granted a temporary certificate authorizing service to PAO. The decision also consolidated GWA's application with similar requests by Golden Pacific Airlines, Inc. (GPA), Valley Airlines, Inc. (Valley) and Swift-Aire Lines, Inc. (Swift).

A prehearing conference was held 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 GWA, GPA 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.

With respect to GPA's temporary certificate to serve Palo Alto, it announced at the conference that it no longer requested a permanent certificate, and that it wished to have its temporary authority revoked.

GPA's representatives stated that although it provided as many as two flights a day in each direction from PAO adequate traffic failed to materialize. It was stated that during the two or three months before the conference GWA was providing only flag stop service under its temporary authority.

No objections to GWA's request have been received.

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

After consideration the Commission finds that GWA's temporary modification of its certificate should be made permanent for the limited purpose of permitting GWA 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 amend Condition No. 5 in GWA's certificate to prohibit the operation of turn-around service between SFO-SJC in order to assure the avoidance of unnecessary wing-tip to wing-tip competition. The Commission also finds that GWA's temporary certificate of public convenience and necessity to serve Palo Alto as an intermediate point between SFO-SJC should be cancelled.

IT IS ORDERED that:

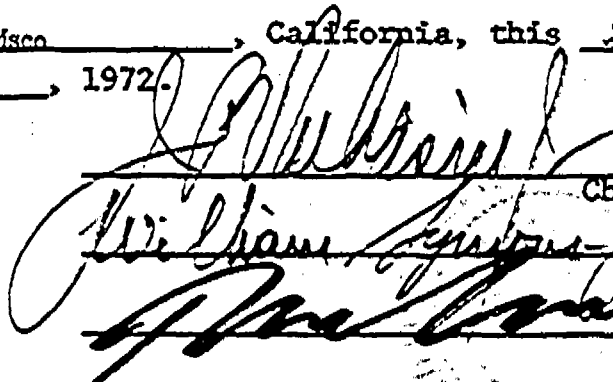
1. The modification of Golden West Airlines, Inc.'s certificate of public convenience and necessity granted by Decision No. 77612, dated August 13, 1970, in this proceeding is hereby made permanent.

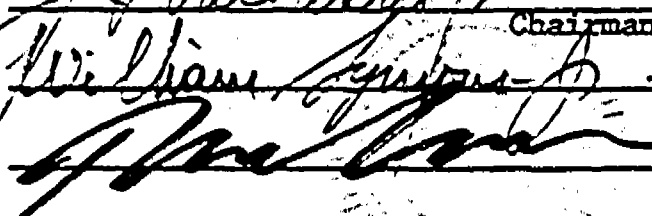
2. The temporary certificate of public convenience and necessity granted to Golden West Airlines, Inc. in paragraph 2 of Decision No. 77612, dated August 13, 1970, in this proceeding is hereby revoked.

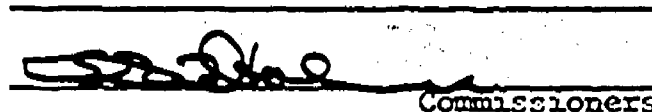
3. The certificate of Golden West Airlines, Inc., as revised by this order, is set forth in Appendix A, Fourth Revised Page 2, attached hereto.

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


Commissioners

-3-Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

jmd *

Appendix A
(Dec. 77323)

GOLDEN WEST AIRLINES, INC.

Fourth Revised Page 2
Cancels
Third Revised Page 2

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
Intermediate Points-Burbank, Palmdale, Lancaster

| | | |
|---------|---------|---------|
| LAX-BUR | LAX-MHV | BUR-MHV |
| LAX-PMD | BUR-PMD | PMD-MHV |
| LAX-LAN | BUR-LAN | LAN-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 and SJC. No turnaround service will be provided between SFO and SJC.

Issued by California Public Utilities Commission.

#Revised by Decision No. 8000S, Application No. 52104. ✓