

Decision No. 80493**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Stol Air, Inc., for a certificate of public convenience and necessity and for issuance of a temporary certificate of public convenience and necessity to operate as a passenger air carrier between San Francisco and Santa Rosa and between San Francisco and Monterey with San Jose as an intermediate point.

Application No. 53489
(Filed August 1, 1972;
Amended August 22, 1972)

INTERIM OPINION

Stol Air, Inc., a California corporation, operates an air taxi service with aircraft having a gross weight of under 12,500 pounds. It here seeks a certificate of public convenience and necessity authorizing operations as a passenger air carrier as follows:

Route No. 1 - San Francisco-Santa Rosa

Route No. 2 - San Francisco-Monterey, nonstop; and
San Francisco-Monterey, with San Jose
as an intermediate point

Applicant asserts that if authorized it will conduct such operations with a Britten-Norman BN-2A Islander aircraft which is a twin-engine propeller driven airplane with maximum gross weight of 6,300 pounds at which weight it has a cruising speed at 9,000 feet of 158 mph. In normal passenger configuration, it has nine revenue seats.

Applicant avers that as an air taxi operator registered with the Civil Aeronautics Board it maintains, and will continue to maintain, insurance protection against liability for bodily injuries and property damage, and has, and will, comply with all of the federal and state statutes and regulations, including the Public Utilities Code and all general orders, including those issued with respect to insurance protection. Financial statements included in the application show that applicant has sufficient capital to inaugurate service.

On July 25, 1972, Golden West Airlines, Inc. filed notice under Section 2769.5 of the Public Utilities Code of its intention to discontinue service on the routes hereinabove designated as Routes Nos. 1 and 2 because of unprofitable operations. It also filed a petition under Section 2766 for authority to suspend operations prior to the time operations may be discontinued pursuant to said Section 2769.5. By Decision No. 80433 in Application No. 51216, Golden West Airlines, Inc. was authorized to suspend service on Routes Nos. 1 and 2.

We take notice that passenger air carriers, other than Golden West Airlines, Inc., are authorized to serve the points on Routes Nos. 1 and 2.

Sonoma County Airport at Santa Rosa has informed the Commission that it is desirous of having the service between Santa Rosa and San Francisco that had been provided by Golden West Airlines, Inc. be continued by another carrier without interruption. The time required to hold hearings and consider the application herein of Stol Air, Inc. will prevent the relief sought by Sonoma County Airport.

An exemption granted to applicant under Section 2767 of the Public Utilities Code will afford the community the relief it desires, maintain the traffic that would ordinarily have been transported by Golden West Airlines, Inc. during the pendency of this application, and will protect the rights of passenger air carriers presently authorized to provide service between San Francisco and Santa Rosa.

We find that:

1. Golden West Airlines, Inc. has suspended and will discontinue operations between San Francisco and Santa Rosa.
2. In its application Stol Air, Inc. has asserted that it is willing and able to provide service immediately with a Britten-Norman BN-2A aircraft pursuant to the schedules and at the fares maintained by Golden West.

3. Stol Air, Inc. maintains insurance protection against liability for bodily injury and property damage.

4. Sonoma County Airport has informed the Commission that the community of Santa Rosa will be affected adversely unless the service that has been provided by Golden West Airlines, Inc. is maintained.

5. The provisions of Sections 2752, 2754 and 2754.1 of the Public Utilities Code impose an undue burden upon Santa Rosa because of the immediate need for service resulting from the cessation of existing service by Golden West Airlines, Inc.

6. The cessation of service by Golden West Airlines, Inc. is not caused by a labor dispute.

7. Enforcement of Sections 2752, 2754 and 2754.1 of the Public Utilities Code in connection with operations by Stol Air, Inc. on Route No. 1 would be contrary to the public interest.

We conclude that pursuant to Section 2767 of the Public Utilities Code for a period of ninety days Stol Air, Inc. should be exempted from the certificate provisions of Sections 2752, 2754 and 2754.1 with respect to operations conducted on Route No. 1 at the fares and schedules maintained by Golden West Airlines, Inc.

INTERIM ORDER

IT IS ORDERED that:

1. Stol Air, Inc., a California corporation, is exempted from the certificate provisions of Sections 2752, 2754 and 2754.1 of the Public Utilities Code in connection with air passenger carrier operations with Britten-Norman BN-2A aircraft on and over the following described route at the fares and schedules published and maintained by Golden West Airlines, Inc.

Route No. 1 - San Francisco-Santa Rosa

2. Prior to conducting operations pursuant to said exemption, Stol Air, Inc. shall publish and file in the Commission's office tariffs and timetables setting forth the fares and approximate schedules presently maintained by Golden West Airlines, Inc. for transportation on Route No. 1. The tariff and timetable filings made pursuant to this order shall be in triplicate and shall be made effective concurrent with the establishment of operations. The tariff filings shall comply with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 105-A, except that notice as required by Rule No. 2.6(a)(1) is hereby waived.

3. Within ten days after the effective date of this order, Stol Air, Inc. shall file with the Commission evidence as specified in General Order No. 120-C that it has in effect liability insurance that complies with said general order in connection with operations as a passenger air carrier on Route No. 1.

4. The exemption granted by the order herein shall expire ninety days after the effective date of this order unless sooner canceled, modified or extended by order of the Commission.

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

Dated at San Francisco, California, this 12th
day of SEPTEMBER, 1972.

Vernon L. Stinson
President

William Lyons Jr.

Sam W. [Signature]
[Signature]
Commissioners

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