

Imm.

Decision No. 80798

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 con-
venience 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
and October 5, 1972)

SECOND INTERIM OPINION

By this amended application Stol Air, Inc., a California corporation, seeks a certificate of public convenience and necessity authorizing operations as a passenger air carrier between San Francisco and Santa Rosa with service to intermediate points of San Rafael, Concord, and Napa as provisional stops for on-call service. Public hearings on this application were consolidated with Application No. 53382 (Valley Airlines, Inc.), Application No. 53553 (Golden Pacific Airlines, Inc.), and Case No. 9437 (Valley Airlines vs. Golden Pacific Airlines) on October 16 and 18, 1972 and the matters were submitted subject to the filing of late-filed exhibits due November 3, 1972.

By interim order in Decision No. 80493 herein, dated September 12, 1972, Stol Air, Inc. was exempted for a period of ninety days, pursuant to Section 2767 of the Public Utilities Code, 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.

By letter dated November 2, 1972, counsel for applicant requests a renewal of the exemption granted in Decision No. 80493,

asserting that the exemption expires December 11, 1972, that it is unknown as to the date a decision will be made in its application for a certificate, and that Stol wants to be certain that it will be able to continue to provide Santa Rosa with uninterrupted service during the pendency of its application. The request is reasonable and should be granted.

It is also asserted that at the time Stol made its original application it offered to take over the entire Northern California routes of Golden West Airlines, Inc. and provide the communities with the same scheduled service at the same tariff rates as had been charged by Golden West. Instead of being granted the entire route structure of Golden West, Stol was granted an exemption to fly only the San Francisco - Santa Rosa portion and was restricted to the fares and schedules of Golden West. It asks that the exemption be amended to permit it to charge the fare of \$15.50 (including tax) per person proposed in its application rather than the fare of \$13.00 which had been maintained by Golden West.

At the hearing Stol stated that it is flying five daily round-trip schedules Monday through Friday and two daily round-trip schedules on Saturdays and Sundays. It contemplates that there may be need for additional schedules.

The request for the removal of the restriction requiring Stol to operate at the fares and schedules of Golden West is justified.

The renewal of the exemption herein and the removal of the restriction that Stol operate at the fares and schedules of Golden West is not to be construed as constituting any authorization for Stol to perform any operations to San Rafael, Napa, or Concord; nor a finding that public convenience and necessity require the operations by Stol between San Francisco and Santa Rosa or a finding on any issues pending in Application No. 53489; nor of an exemption from the requirements of the Public Utilities Code and General Orders of the Commission regarding tariffs, schedules, and insurance.

SECOND INTERIM ORDER

IT IS ORDERED that:

1. The exemption ordered in Decision No. 80493 is modified by deleting therefrom the requirement that Stol Air, Inc. operate at the fares and schedules published and maintained by Golden West Airlines, Inc.

2. The exemption, as modified by the foregoing paragraph, is renewed for a period of 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 is the date hereof.

Dated at San Francisco, California, this 6th
day of DECEMBER, 1972.

Vernon L. Sturgeon
President
William J. ...
...
...
Commissioners

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.