

ORIGINAL

Decision No. 81968

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
SWIFT AIRE LINES, INC., a California  
Corporation, For a Certificate of  
Public Convenience and Necessity to  
Operate As a Passenger Air Carrier  
Between San Jose and Fresno, or in the  
Alternative, For an Order, Pursuant to  
§2767 Exempting SWIFT AIRE LINES, INC.,  
from the Certificate Provisions of The  
Public Utilities Code.

Application No. 54327  
(Filed September 17, 1973)

INTERIM OPINION

By order dated September 5, 1973, the Administrator of the Federal Aviation Administration (FAA) revoked the Air Taxi/Commercial Operator Certificate of Valley Airlines, Inc. (Valley). Valley holds a certificate from the Commission authorizing passenger air carrier operations between points over a number of routes within California, including between Fresno and San Jose. Pursuant to the order referred to above Valley has suspended operations over its routes. The Commission is informed and believes that Valley is negotiating with officials of the FAA for the restoration of its certificate. At present, and as a result of the cessation of operations by Valley, there is no direct airline service between San Jose and Fresno.

By this application Swift Aire Lines, Inc (Swift) requests that the Commission grant it a certificate, either temporary or permanent, without hearing, authorizing it to conduct passenger air carrier operations between San Jose and Fresno; or if the Commission believes that hearing is necessary before it can grant such certificate that it issue an order under Section 2767 of the Public Utilities Code exempting Swift from the certificate provisions of the

Code pending proceedings on this application with respect to passenger air carrier operations between San Jose and Fresno.

Swift holds certificates of public convenience and necessity authorizing passenger air carrier operations over four routes in California serving, among other places, Fresno and San Jose so that it already has terminal facilities at those points. Hearings were held August 29 and 30, 1973 in Application No. 53861 in which Swift seeks authority to operate over routes extending generally between Los Angeles and Sacramento. From the evidence in that proceeding the Commission has knowledge that Swift has the aircraft, facilities, and ability to provide passenger air service between San Jose and Fresno and can conduct those operations efficiently in connection with operations that it now conducts over routes to and from San Jose and Fresno.

The Commission finds that:

1. On or about September 5, 1973 Valley Airlines, Inc. ceased passenger air carrier operations between San Jose and Fresno as a result of an order issued by the Administrator of the Federal Aviation Administration.
2. As a result of the cessation of operations by Valley, there is no direct passenger air service between San Jose and Fresno.
3. At this time it is uncertain if and when Valley will be able to resume operations between those points.
4. Swift Aire Lines, Inc. is ready, willing, and able to provide passenger air service between San Jose and Fresno immediately, and it can provide service efficiently and economically between those points in conjunction with operations to and from San Jose and Fresno over routes it is presently authorized to serve.
5. Uncertainty at this time concerning the future operations by Valley Airlines militates against the immediate issuance of a certificate to Swift authorizing operations between San Jose and Fresno. ✓

6. Delay in restoring passenger air carrier service between San Jose and Fresno will impose an undue burden upon the public and the communities involved and will be disruptive of the maintenance of an orderly, efficient, economical, and healthy intrastate passenger air network.

7. Immediate operation by Swift between San Jose and Fresno is necessary to assure continued passenger air carrier service between those points and enforcement of the certificate provisions of Sections 2752, 2754, and 2754.1 with respect to those operations, pending proceedings on this application, would be contrary to the public interest.

We conclude that Swift should be exempted from the certificate provisions of the Public Utilities Code as provided by Section 2767 thereof.

INTERIM ORDER

IT IS ORDERED that:

1. Swift Aire Lines, Inc., a corporation, is exempted from the certificate provisions of Sections 2752, 2754, and 2754.1 of the Public Utilities Code with respect to passenger air carrier operations conducted over the route, San Jose - Fresno, and in connection with operations via that route between points on routes applicant is authorized to serve.

2. Pursuant to the provisions of Section 2767 of the Public Utilities Code, the exemption authorized herein shall expire ninety days from the date hereof unless sooner canceled, modified, or extended by order of the Commission.

3. Prior to conducting operations under this order, applicant shall file with the Commission its schedule of fares for transportation performed or to be performed under the exemption authorized herein. Tariff filings shall conform to the requirements of

General Order No. 105-A, provided, however, that applicant is authorized to depart from the requirements of the General Order to the extent necessary to make the fares effective as of the date of filing.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 2nd  
day of OCTOBER, 1973.

Deeming himself disqualified,  
Commissioner D. W. Holmes  
abstains from participating  
in this decision.

William Lyons Jr. President

[Signature]

Commissioners

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

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