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Decision No. 82037

ORIGINAL

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)

ORDER GRANTING REHEARING

Valley Airlines, Inc., having filed a petition for rehearing of Decision No. 81968 in which the Commission issued an interim opinion and order exempting Swift Aire Lines, Inc., (Swift) pursuant to Section 2767 of the Public Utilities Code from the certificate provisions of the Code and permitting it to commence air service between Fresno and San Jose, and the Commission having expressly stated in Decision No. 81968 in finding number 5 thereof, that uncertainty at that time concerning the future operations by Valley Airlines, Inc., (Valley) militated against the immediate issuance of a certificate to Swift authorizing operations between San Jose and Fresno, and it appearing that uncertainty as to Valley's operations is now resolved and that Valley is operating between Fresno and San Jose,

IT IS ORDERED that:

1. Rehearing of Decision No. 81968 is hereby granted to determine whether or not Swift Aire Lines, Inc. should be issued a certificate of public convenience and necessity to operate as a passenger air carrier between San Jose and Fresno in competition with Valley Airlines, Inc., and to determine whether exemption

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from the certificate provisions of the Public Utilities Code granted to Swift Aire Lines, Inc., should be cancelled, permitted to expire, or be renewed for the same or a lesser period pursuant to the provisions of Section 2767 of the Public Utilities Code. ✓

The effective date of this order is the date hereof.

Dated at San Francisco, California, this

24th day of OCTOBER, 1973.

James L. Stuyven  
President

William J. Lyons

W. J. Lyons

[Signature]

Commissioners

Not participating:

[Signature], Commissioner