

Decision No. 82312**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
PACIFIC SOUTHWEST AIRLINES for a
certificate of public convenience
and necessity in either direction
between San Diego/Ontario/Hollywood-
Burbank/San Jose/Oakland and
Sacramento.

Application No. 51058
(Petitions for Modification
filed February 14, 1972
and September 27, 1973)

OPINION AND ORDER

By these petitions Pacific Southwest Airlines (PSA) requests modification of the certificate of public convenience and necessity issued by the Commission in its Decision No. 79085 to provide for a minimum of one daily nonstop round trip instead of two between Hollywood-Burbank and Sacramento. The petitions were protested by the county of Sacramento.

A prehearing conference was held in this matter and public hearing was scheduled for November 5, 1973. By letter dated October 26, 1973, counsel for the county of Sacramento asserts that after extensive conversations with representatives of PSA it has agreed to withdraw its protest upon the condition that the reduction in nonstop service be effective only until such time as the mandatory allocation program relating to aviation fuel, promulgated by the Director of the Energy Policy Office under the authority of the Economic Stabilization Act, is lifted.

On October 12, 1973, the Director of Energy Policy Office established regulations, to become effective November 1, 1973 for the mandatory allocation of middle distillates of petroleum, including airline turbine fuel. Under the regulations suppliers are required to provide to wholesale purchasers a monthly allocation of fuel equivalent to the amount purchased by the wholesale purchaser during the corresponding month of 1972.

By Petition for Modification filed October 30, 1973 in Application No. 52291, PSA seeks an order from the Commission which would suspend, on a temporary emergency basis because of the mandatory fuel allocation program, those conditions contained in PSA's certificate which set forth the minimum number of trips to be operated on certain of its routes, including the Hollywood/Burbank - Sacramento route. On November 7, 1973 by Decision No. 82103 the Commission granted that request and ordered that further hearings be held in that matter. The proceedings in that matter cover all of the operations conducted by PSA, including the route involved in the instant petitions. It is desirable that the operation of nonstop flights between Hollywood/Burbank and Sacramento be considered in connection with the other operations of PSA. In the circumstances an order herein involving that operation would not be desirable or necessary.

At this time it seems apparent that federal controls with respect to the acquisition and use of fuel, such as the recent order of the Director of Energy Policy Office, will not be lifted in the immediate future. No purpose would be served by keeping the petitions involved herein on the Commission's docket. When the situation regarding the availability of fuel for operations by PSA

changes any party may file a new pleading to have the temporary suspension vacated or made permanent. We conclude that the petitions should be dismissed.

IT IS ORDERED that Petition for Modification filed February 14, 1972 and Petition for Modification filed September 27, 1973 are dismissed.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 8th day of JANUARY, 1974.

William L. Stinson
President
William L. Stinson
William L. Stinson
William L. Stinson
Commissioners