

Decision No. 82380

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

Boris H. Lakusta, Attorney at Law, for applicant.
L. L. James, for Valley Airlines, Inc.,
protestant.
Walter Kessenick, Jr., Attorney at Law,
for the Commission staff.

ORDER DISMISSING PETITION TO
EXTEND EXEMPTION

By Decision No. 81968 dated October 2, 1973 the Commission by ex parte order exempted Swift Aire Lines, Inc. (Swift) from the certificate provisions of Sections 2752, 2754, and 2754.1 of the Public Utilities Code with respect to passenger air carrier operations conducted between San Jose and Fresno. The exemption was based upon findings that on September 5, 1973 Valley Airlines, Inc. (Valley) had 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 (FAA); that as a consequence there was no direct passenger air service between San Jose and Fresno; that Swift was ready and willing to provide such service; that the uncertainty of Valley's future operations militated against the immediate issuance of a certificate to Swift; and that because of the emergency need for continued passenger air service between San Jose and Fresno Swift

should be exempted from the certificate provisions of the Public Utilities Code for a period of ninety days as provided by Section 2767 thereof.

By Decision No. 82037 dated October 24, 1973 the Commission granted rehearing of Decision No. 81968.

Public hearing on the petition to extend the exemption was held before Examiner Daly on December 3, 1973. The issues raised by the petition were taken under submission and public hearing on the public convenience and necessity phase of the application was continued to December 10, 1973.

On December 5, 1973 Swift filed a request for dismissal of its petition to extend the exemption alleging that immediately following the aforementioned hearing it was advised that its fuel allotment for the month of December would be 50 percent of the amount which it had anticipated and that under this critical circumstance it finds itself in the position of having to discontinue exempt service so that it can provide at least a minimum service on the route for which it is certificated. Swift also requests that the hearing on the application for a certificate in this matter be taken off calendar and deferred to a date to be determined in the light of future circumstances affecting the fuel shortage. In compliance therewith further hearing on this matter will be continued to a date to be set.

IT IS ORDERED that the petition of Swift Aire Lines, Inc., filed pursuant to Section 2767, for a ninety-day extension of the

exemption from the certificate requirements of Sections 2752, 2754, and 2754.1, which was granted by Decision No. 81968, is dismissed.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 22nd day
of JANUARY, 1974.

I abstain:

[Signature], Commissioner

Vernon L. Sturgeon
President
William J. [Signature]
[Signature]

[Signature]
Commissioners