

Decision No. 85459

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 EUREKA AERO INDUSTRIES, INC., for a)
 Certificate of Public Convenience)
 and Necessity, in Either Direction,)
 Between Oakland International Air-)
 port and Sacramento Metropolitan)
 Airport.)

Application No. 56086
 (Filed November 24, 1975)

O P I N I O N

Applicant Eureka Aero Industries, Inc. (Eureka), a California corporation, requests a certificate to operate as a passenger air carrier between the Oakland International Airport (Oakland) and the Sacramento Metropolitan Airport (Sacto). No protests to the application have been received.

Eureka currently operates as a passenger air carrier between a variety of points located between Oakland on the south and Crescent City on the north. It provides one trip per day each way between Oakland and Sacto in connection with its existing service departing Oakland at 8:00 a.m. and arriving Sacto at 8:35 a.m. and departing Sacto at 7:15 p.m. and arriving Oakland at 7:50 p.m. Its certificate provides for closed-door authority between Oakland and Sacto. Eureka operates Cessna aircraft principally and holds an operating certificate from the Federal Aviation Administration. The application shows that Eureka as of June 30, 1975 had a net worth of \$50,246.

Eureka proposes to charge a one-way fare of \$17.50, including tax, and will maintain the same frequency of service which it is now offering. Eureka states that its 14 aircraft are maintained on a progressive maintenance schedule at its maintenance base at Murray Field at Eureka and that it has adequate insurance protection as evidenced by its filings with the Commission. Eureka contends that the removal of the closed-door restriction in its certificate will benefit the cities of Oakland and Sacramento and will result in a more efficient use of energy since Eureka is currently flying that route.

After consideration the Commission finds that public convenience and necessity require the modification of Eureka's certificate as requested in the application. The Commission further finds that the project involved in the application will not with reasonable certainty have a significant effect on the environment. A public hearing is not necessary.

Applicant is placed on notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate fixing for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights. Aside from their purely permissive aspect, such rights extend to the holder a full or partial monopoly of a class of business. This monopoly feature may be modified or canceled at any time by the State, which is not in any respect limited as to the number of rights which may be given.

The Commission concludes that the effective date of this order should be the date on which it is signed because public convenience requires prompt commencement of the proposed service.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Eureka Aero Industries, Inc., authorizing it to operate as a passenger air carrier, as defined in Section 2741 of the Public Utilities Code, to engage in local passenger air carrier service both ways between the Oakland International Airport and the Sacramento Metropolitan Airport as well as in connection with routes set out in Appendix A of Decision No. 80076.

2. Appendix A of Decision No. 80076 is further amended by incorporating therein Fourth Revised Page 1, attached hereto, in revision of Third Revised Page 1.

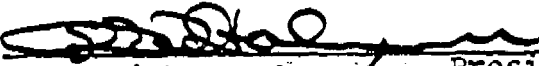
3. In providing service pursuant to the authority granted by this order, applicant shall comply with the following service regulations. Failure so to do may result in a cancellation of the authority.

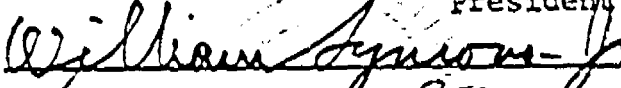
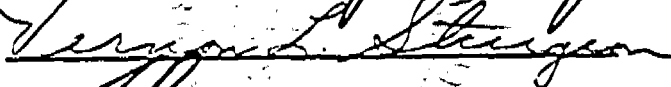
- (a) Within thirty days after the effective date of this order, applicant shall file a written acceptance of the certificate granted. By accepting the certificate applicant is placed on notice that it will be required, among other things, to file annual reports of its operations and to comply with the requirements of the Commission's General Orders Nos. 120-Series and 129-Series.
- (b) Within one hundred twenty days after the effective date of this order, applicant shall establish the authorized service and file tariffs, in triplicate, in the Commission's office.


- (c) The tariff filings shall be made effective not earlier than five days after the effective date of this order on not less than five days' notice to the Commission and the public, and the effective date of the tariff filings shall be concurrent with the establishment of the authorized service.
- (d) The tariff filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 105-Series.


The effective date of this order is the date hereof.

Dated at San Francisco, California, this 18th
day of FEBRUARY, 1976.



President







Commissioners

Appendix A
(Dec. 80076)

EUREKA AERO INDUSTRIES,
INCORPORATED

Fourth Revised Page 1
Cancels
Third Revised Page 1

Eureka Aero Industries, Incorporated, by this certificate of public convenience and necessity, is authorized to operate as a passenger air carrier between the following airports only:

<u>Symbol</u>	<u>Location</u>	<u>Name</u>
ACV	Arcata	Arcata Airport
CEC	Crescent City	McNamara Field
CIC	Chico	Chico Municipal Airport
EKA	Eureka	Murray Field
MYV	Marysville	Yuba County Airport
OAK	Oakland	Oakland International Airport
RBL	Red Bluff	Red Bluff Municipal Airport
SMF	Sacramento	Sacramento Metropolitan Airport
STS	Santa Rosa	Sonoma County Airport

Conditions

1. Each airport shall be served with a minimum of one flight in each direction on each of five days a week.
- *2. Deleted.
3. Santa Rosa shall be served on a flagstop basis and between EKA and SMF only.
 - (a) Carrier shall give at least one hour's prior notification to said carrier's ticketing agency when said carrier intends to overfly STS. Carrier shall land at STS unless such prior notice has been given.
 - (b) Carrier shall not overfly STS if a passenger is in the possession of a purchased ticket and a confirmed reservation one hour or longer before the scheduled departure time.
4. No aircraft having more than 30 revenue passenger seats or a payload more than 7,500 pounds shall be operated.

Issued by the California Public Utilities Commission.

*Deleted by Decision No. 85459, in Application No. 56086.