

Decision No. 85517

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)

INTERIM ORDER

By its application filed September 17, 1973, Swift Aire Lines, Inc. requests a certificate of public convenience and necessity authorizing operations as a passenger air carrier between San Jose and Fresno.

By Decision No. 81968 dated October 2, 1973, applicant was granted a ninety-day exemption from the provisions of Section 2752 and 2754.1 of the Public Utilities Code with respect to passenger air carrier operations conducted between San Jose and Fresno as a result of an order issued by the Administrator of the Federal Aviation Administration (FAA) wherein it was found that Valley Airlines, Inc. (Valley) had ceased passenger air operations between said points.

By Decision No. 82380 dated January 22, 1974 a petition to extend the exemption was dismissed at applicant's request because it had been advised that its fuel allotment for the month of December 1973 would be reduced 50 percent from the amount anticipated. At that time applicant also requested that hearing on its application be deferred to a date to be determined.

During the course of hearing in a Commission investigation to determine the adequacy of service by Valley it was developed that said carrier has not operated any of its certificated routes since February 1975. (Case No. 9852.)

Recently Marin Aviation filed Application No. 56095 which also requests authority to serve between San Jose and Fresno.

Because applicant presently serves San Jose and Fresno from other points the staff recommends that it be granted temporary authority to serve said points pending a consolidated hearing of both applications and subsequent order.

The Commission therefore finds that pending its further order public convenience and necessity require the service of applicant as a passenger air carrier between San Jose and Fresno. The Commission further finds that it is reasonably certain that the project involved in this proceeding will not have a significant effect on the environment.

IT IS ORDERED that:

1. Pending further order of this Commission a temporary certificate of public convenience and necessity is granted to Swift Air Lines, Inc., a California corporation, authorizing it to operate as a passenger air carrier, as defined in Section 2741 of the Public Utilities Code, between Fresno and San Jose as set forth in Appendix A of this decision.

2. 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.

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3. Application No. 54327 is consolidated with Application No. 56095 for further hearing.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 2nd day of MARCH, 1976.

I abstain:

~~Edward~~, Commissioner

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President
William J. ...
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...
Commissioners

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Appendix A

SWIFT AIRE LINES, INC.

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Swift Aire Lines, Inc., by this temporary certificate of public convenience and necessity, is authorized to operate as a passenger air carrier between San Jose and Fresno.

CONDITIONS

1. Operations between SJC and FAT and an airport on any other certificated route shall not be provided except via authorized routes through airports that are common to the connecting routes.
2. A minimum of one round-trip flight per day on each of five days shall be operated between SJC and FAT.
3. No aircraft having more than 30 revenue passenger seats or a payload more than 7,500 pounds shall be operated.
4. Authority granted herein is temporary pending further order of this Commission.
5. The following airports shall be used:

<u>Symbol</u>	<u>Location</u>	<u>Name</u>
SJC	San Jose	San Jose Municipal Airport
FAT	Fresno	Fresno Air Terminal

Issued by California Public Utilities Commission.

Decision No. 85517, Application No. 54327.