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ALJ/PAB/rsr

Decision 88 09 070 SEP 28 1988

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's)
 own motion into the scheduling,)
 routing and operations of Marin)
 Airporter, Inc. and Santa Rosa)
 Airporter, Inc. with respect to)
 common carrier service between)
 SFO on the one hand, and points in)
 Marin County on the other hand.)

Mailed

SEP 29 1988

I.88-06-020
(Filed June 17, 1988)

ORDER MODIFYING INVESTIGATION 88-06-020

On August 25, 1988, respondent Marin Airporter, Inc. (Marin) filed a Petition for Modification of I.88-06-020 requesting that this investigation be expanded to allow evidence and argument interpreting the certification of Santa Rosa Airporter, Inc. (Santa Rosa) contained in Decision (D.) 86-05-045. Marin represented that it was not seeking enforcement sanctions against Santa Rosa.

On September 8, 1988, respondent Santa Rosa filed a reply to the petition alleging that Marin's aim was to relitigate issues previously decided by the Commission in D.86-05-045.

The Commission has carefully considered Marin's petition and Santa Rosa's reply. We conclude that an expansion of the evidence and argument to include a comparison of respondents' service and operations based upon D.86-05-045 will provide the Commission with a more complete, current record upon which to resolve this investigation. However, we must reiterate that this is not an enforcement proceeding in which punitive action will be considered.

We shall grant petitioner's requested deletions to the text of the prior order, however, we do not adopt petitioner's requested revisions to Ordering Paragraph 1.

We are aware that written testimony in this matter was submitted on September 23, 1988 and that evidentiary hearings are scheduled to begin October 3, 1988. To avoid hardship on parties preparing to present witnesses on October 3, 4 or 5, we shall not vacate the scheduled hearing dates. Parties may proceed on those dates, if they desire to do so. A date for submitting supplemental testimony pursuant to the modifications contained herein will be set and further hearings on supplemental testimony will be scheduled expeditiously by the Administrative Law Judge.

IT IS HEREBY ORDERED that I.88-06-020 is modified as follows:

1. The entire page 2 is deleted.
2. The first incomplete paragraph at the top of page 3 is deleted.
3. The first full paragraph on page 3 is modified to read:
"Almost two years have passed since Santa Rosa's authority was issued, and it has been three years since the close of the evidentiary record in A.84-12-037 (the proceeding where we analyzed both the potential for airport passenger volume from Marin and Highway 101 conditions). So we institute this investigation not as an enforcement action, but instead to reassess with respect to both respondent carriers whether current conditions are such that public convenience and necessity would be best served by ordering changes in the scheduling, routing and/or operations of either or both carriers. We have no preconceived notions of what orders or changes might be appropriate. We do note that our objective is not to establish regulatory ground rules which would effectively result in a second class service to Marin pickup points served by either carrier or which would essentially put one of the carriers out of the Marin market."

4. Ordering Paragraph 1 is modified to include the following language:

"The scope of this investigation may include a comparison of the service of respondent carriers with the operating authority which has been granted to each."

This order is effective today.

Dated SEP 28 1988, at San Francisco, California.

STANLEY W. HULETT
President
DONALD VIAL
FREDERICK R. DUDA
G. MITCHELL WILK
JOHN B. OHANIAN
Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.

Victor Weisner
Victor Weisner, Executive Director

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