

ORIGINAL

Decision No. 86504

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of MARIN AVIATION, INC.
for a certificate of public convenience
and necessity.

Application No. 56095
(Filed November 28, 1975)

INTERIM OPINION

Marin Aviation, Inc. requests a certificate of public convenience and necessity authorizing the transportation of passengers by air between Fresno and San Jose and between San Jose and Monterey.

On July 16, 1976 oral argument was heard before Examiner Daly at San Francisco on a motion of Air California to consolidate for the purpose of hearing the instant application with Application No. 54327 filed by Swift Aire Lines, Inc., which seeks authority to serve between Fresno and San Jose, and Application No. 56566 filed by Air California, which seeks authority to serve between Fresno, on the one hand, and Orange County, Ontario, San Jose, Oakland, and South Lake Tahoe, on the other hand. The motion to consolidate was granted to the extent that each applicant seeks authority to serve between Fresno and San Jose and in all other respects was denied.

During the course of argument Pacific Southwest Airlines and Air California, which presently have applications pending before the Commission relating to the Monterey area,^{1/} indicated on the record that they would have no protest to the application of Marin Aviation, Inc. to the extent that it seeks authority to serve between San Jose and Monterey.

^{1/} Application No. 55011, Air California, and Application No. 54992, Pacific Southwest Airlines.

On July 20, 1976 Marin Aviation, Inc. filed a petition for a temporary certificate to serve between San Jose and Monterey. Copies of the petition were served upon Swift Aire Lines, Inc., United Air Lines, and other interested parties. No protest has been received.

Applicant's principal place of business is Novato, California. It owns and operates 19 aircraft. Service between San Jose and Monterey will be provided through the use of a Navajo B and a Seneca II. Two round-trip schedules will be operated daily between said points, with one schedule being operated in the morning and one in the afternoon. The proposed fare is \$17.50 plus tax. As of June 30, 1975 applicant indicated a net worth in the amount of \$107,327.

It is alleged that no service is now being provided between San Jose and Monterey; that applicant already has ground facilities at San Jose; that the proposed service is a logical extension of its present route structure; that the proposed service could be operated with little additional overhead expense; that aircraft of comparable size, noise, and emission characteristics as applicant's aircraft are presently using the airport facilities at the proposed points; and that applicant's proposed service will replace service that was previously provided by Valley Airlines, Inc. between San Jose and Monterey.^{2/}

After consideration the Commission finds that public convenience and necessity require applicant's proposed service between San Jose and Monterey. The Commission further finds that applicant possesses the necessary facilities, equipment, experience, and financial ability to provide said service and that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

^{2/} The operating authority of Valley Airlines, Inc. was revoked by Decision No. 85779 dated May 4, 1976 in Case No. 9852.

The applicant's petition, dated July 20, 1976, for a temporary certificate to serve between San Jose and Monterey will be granted. The final disposition of this application will be subject to a consolidated hearing with Applications 54327 and 56566.

INTERIM ORDER

IT IS ORDERED that:

1. A temporary certificate of public convenience and necessity is granted to Marin Aviation, Inc., a corporation, authorizing it to operate as a passenger air carrier, as defined in Section 2741 of the Public Utilities Code, between Monterey and San Jose as set forth in Appendix A of Decision No. 84488, as amended herein.

2. Appendix A of Decision No. 84488 is further amended by incorporating therein Second Revised Page 1 and Second Revised Page 2, attached hereto, in revision of First Revised Page 1 and First Revised Page 2.

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.

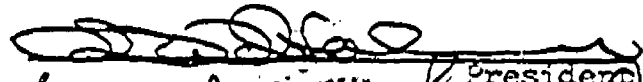
- (a) Within thirty days after the effective date of this order, applicant shall file a written acceptance of the certificate granted. By accepting the certificate applicant is placed on notice that it will be required, among other things, to file annual reports of its operations and to comply with the 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.

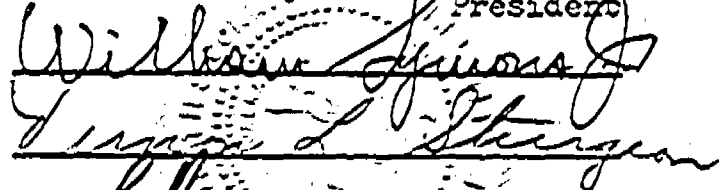
(d) The tariff filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 105-Series.

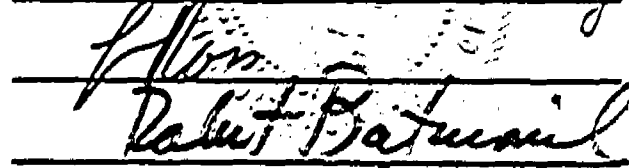
3. That portion of Application No. 56095 requesting authority to serve between San Jose and Fresno will be consolidated for hearing with Applications Nos. 54327 and 56566.

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

Dated at San Francisco, California, this 13th
day of OCTOBER, 1976.



President


James L. Sturgeon


Robert Bateman
Commissioners

Appendix A
(Dec. 84488)

MARIN AVIATION, INC.

Second Revised Page 1
Cancels
First Revised Page 1

Marin Aviation, Inc., by this temporary certificate of public convenience and necessity, is authorized to operate as a passenger air carrier between the following airports subject to the following conditions:

ROUTE 1

<u>Symbol</u>	<u>Location</u>	<u>Name</u>
FTB	Fort Bragg	(See Note)
LAM	Clear Lake	Lampson Field Airport
LIV	Livermore	Livermore Airport
PAL	Palo Alto	Palo Alto Airport
SFO	San Francisco	San Francisco International Airport
SJC	San Jose	San Jose Municipal Airport
STS	Santa Rosa	Sonoma County Airport
UKI	Ukiah	Ukiah Airport
WGN	Novato	Gross Field

ROUTE 2

<u>Symbol</u>	<u>Location</u>	<u>Name</u>
LIV	Livermore	Livermore Airport
PAL	Palo Alto	Palo Alto Airport
PLV	Placerville	Placerville Airport
SFO	San Francisco	San Francisco International Airport
SJC	San Jose	San Jose Municipal Airport
SLF	Sacramento	Sacramento Metropolitan Airport
WGN	Novato	Gross Field
TIA	Truckee	Truckee-Tahoe Airport
TVL	South Lake Tahoe	Tahoe Valley Airport

#ROUTE 3

<u>Symbol</u>	<u>Location</u>	<u>Name</u>
SJC	San Jose	San Jose Municipal Airport
MRY	Monterey	Monterey Peninsula Airport

Issued by California Public Utilities Commission.

#Added by Decision No. 86504, Application No. 56095.

CONDITIONS

1. Service between STS and SFO shall only be on flights via the intermediate point WGN that originates or terminates at FTB or UKI.
2. All aircraft operated shall be certified by the Federal Aviation Administration for operation by a single pilot and shall have capacities not exceeding 30 revenue passenger seats or 7,500 pounds payload.
3. The minimum service to each airport is:
 - a. FTB, UKI, SFO, and LIV shall have at least 12 scheduled incoming flights and 12 scheduled departing flights each week.
 - #b. STS, WGN, SJC, TTA, TVL and MRY shall have at least five scheduled incoming flights and five scheduled departing flights each week.
 - c. LAN, PAL, and PLV shall have at least flag-stop service on five scheduled incoming flights and five scheduled departing flights each week. Carrier shall not overfly a scheduled flag-stop if a passenger is in possession of a purchased ticket and confirmed reservation half hour or longer before the scheduled departure time from that airport on the flight on which the passenger holds a confirmed reservation.
- #4. Operation between an airport on one route and an airport on any other route shall be provided through an airport that is common to both routes, except that no passenger shall be accepted for transportation solely between SMT and STS.

NOTE: In the event that municipal airport facilities are not made available to carrier at Fort Bragg, carrier is authorized, until they are made available, to use an airfield within 20 highway miles of Fort Bragg which is approved by the California Division of Aeronautics for aircraft operated by carrier as a passenger air carrier.

Issued by California Public Utilities Commission.

#Revised by Decision No. 86504, Application No. 56095.