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Decision No. 89073 JUL 11 1978

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Southwest
Airlines for a certificate of
public convenience and necessity
to provide nonstop passenger
air service in either direction
between San Diego and San Jose.

Application No. 57064

ORDER DENYING PETITION TO
SET ASIDE SUBMISSION

On May 16, 1978 the Commission issued its Decision No. 88853 in this application granting Pacific Southwest Airlines a certificate of public convenience and necessity to conduct nonstop passenger air carrier operations between San Diego and San Jose. The order was made effective that date. On May 22, 1978 protestant Air California filed a petition for a stay of that order. On May 30, 1978 it filed another petition requesting that submission of the application be set aside for further proceedings.

Decision No. 88853 was defective and void because notice on the Commission's Agenda had not been made in accordance with the requirements of Section 306 of the Public Utilities Code. After notice on the Agenda, the Commission on May 31, 1978 issued Decision No. 88921 which is identical to Decision No. 88853 and which became effective on that date.

The petition for stay of Decision No. 88853 is moot. The Commission, however, considered the allegations in that petition at the time of the issuance of Decision No. 88921. The Commission has considered each and every allegation contained in the petition filed May 30, 1978 and is of the opinion that no good cause has been shown for the setting aside submission of this application for further proceedings;

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Therefore, IT IS ORDERED that the petition for setting aside submission is denied.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 11th day of JULY, 1978.

Robert Bahr
President

Charles P. Howell
Clair T. Helrich
Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.