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Decision No. 89557

OCT 17 1978

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
EUREKA AERO INDUSTRIES, INCORPORATED,)
for a Certificate of Public Convenience)
and Necessity to Provide Passenger Air)
Carrier Service to and from Oakland)
International Airport and San Francisco)
International Airport.)

Application No. 56773
(Filed September 23, 1976)

SUPPLEMENTAL OPINION

Decision No. 87672 dated August 2, 1977 in the captioned proceeding granted a temporary certificate of public convenience and necessity to Eureka Aero Industries, Incorporated (Eureka Aero) to operate as a passenger air carrier between San Francisco International Airport (SFO) and Oakland International Airport (OAK). That temporary authority expires October 31, 1978.

By letter to the Commission dated September 28, 1978, Eureka Aero requests that the temporary authority granted to it between SFO and OAK be made permanent.

Decision No. 87672 indicated that the certificate was made temporary for one year because the carrier may not be able to acquire counter space and terminal space at SFO or OAK to conduct the operations authorized. Eureka Aero states that it maintains space at both airports and has provided adequate service between the airports. Our staff recommends that the temporary certificate be made permanent. In the circumstances, applicant's request should be granted.

We find that public convenience and necessity require that the temporary certificate granted to Eureka Aero by Decision No. 87672 should be made permanent. It can be seen with certainty

that there is no possibility that the activity in question may have a significant effect on the environment; and that this order should be made effective on date of issuance because the temporary authority will soon expire.

Eureka Aero 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.

SUPPLEMENTAL ORDER

IT IS ORDERED that:

1. Eureka Aero Industries, Incorporated, a corporation, is granted a certificate of public convenience and necessity authorizing it to operate as a passenger air carrier between San Francisco and Oakland. Appendix A of Decision No. 80076 is amended by incorporating Ninth Revised Page 1, attached hereto, in revision of Eighth Revised Page 1.

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.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 17th day of OCTOBER, 1978.

President

William J. Quinn

William L. Sturgeon

Richard C. Gault

Clair J. DeBrie

Commissioners

Commissioner Robert Batinevich, being necessarily absent, did not participate in the disposition of this proceeding.

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:

EKA - CIC	OAK - CIC	RDD - SMF
EKA - OAK	OAK - RDD	SMF - STS
EKA - RDD	OAK - SMF	SMF - CIC
EKA - SMF	OAK - STS	#SFO - OAK
EKA - STS	RDD - CIC	

Conditions

1. Each airport shall be served with a minimum of one flight in each direction on each of five days a week.
2. No aircraft having more than 30 revenue passenger seats or a payload more than 7,500 pounds shall be operated.

<u>SYMBOL</u>	<u>LOCATION</u>	<u>NAME</u>
CIC	Chico	Chico Municipal Airport
EKA	Eureka	Murray Field
OAK	Oakland	Oakland International Airport
SMF	Sacramento	Sacramento Metropolitan Airport
STS	Santa Rosa	Sonoma County Airport
RDD	Redding	Redding Municipal Airport
#SFO	San Francisco	San Francisco International Airport

Issued by California Public Utilities Commission.

#Added by Decision No. 89557, Application No. 56773.