

Decision No. 90014 ; FEB 27 1979**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 AIR PACIFIC, INCORPORATED, for a)
 Certificate of Public Convenience)
 and Necessity to Provide Passenger) Application No. 58576
 Air Carrier Service to and from) (Filed January 4, 1979)
 Arcata Airport and Redding, Chico,)
 Sacramento, Santa Rosa, Oakland and)
 San Francisco Airports.)

O P I N I O N

Air Pacific, Incorporated, requests a permanent Certificate of Public Convenience and Necessity for authority to provide passenger air service between Arcata Airport and Redding, Chico, Sacramento, Santa Rosa, Oakland and San Francisco Airports. The applicant presently provides air service between Murray Field and Redding, Chico, Sacramento, Santa Rosa, Oakland and San Francisco.

Arcata Airport, 13 miles from Murray Field has superior facilities, an all-weather instrument landing system, better lighting and its runways are better suited to handle the 50-passenger Dash 7 aircraft recently purchased by the applicant.

The Dash 7 is 13 to 18 dB more quiet than the Lockheed Electra Jet, one of the few aircraft authorized to provide schedule service to Lake Tahoe Airport. The applicant alleges that the environmental impact of the Dash 7 at these airports would not be significant because (1) there is no net change in the number of aircraft operations, (2) of the low noise profile of the Dash 7 and (3) of the operation of jet aircraft or other planes comparable to or larger than the Dash 7 at these airports.

No other areas will be served as a result of the service, nor is there expected to be an increase in operational frequency from the Eureka Area; only a redistribution of flights from Murray Field to Arcata Airport. More frequent use of Arcata Airport by Air Pacific will result in its planes having a better "on-time performance record" during unfavorable weather conditions. Air Pacific's use of the large Dash 7 aircraft to augment its fleet will increase its system-wide passenger capacity, decrease its time of flights, while retaining the noise characteristics of its smaller planes.

The application has been protested by Golden Eagle Airline and Westair Commuter Airline, Inc. The protestors contend that the applicant has failed to comply fully with the requirements of Rule 21 of the Commission's Rules of Practice and Procedure. The protests to the application have been withdrawn.

The Commission in a letter from Eureka Aero dated December 29, 1978, was informed of Eureka Aero Industries, Inc.'s adopted new name of Air Pacific, Inc.

F I N D I N G S

1. The service proposed would not have a significant effect on the environment.
2. There is a public need for the proposed service.
3. Air Pacific, Inc. has the requisite business experience, financial stability, insurance coverage and suitable aircraft to provide the service.
4. There is no immediate need for the proposed service which would exempt the applicant from the certificate provision of Sections 2752, 2754 and 2754.1 of the Public Utilities Code.
5. There are no protests to this application.

Air Pacific, Inc. 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 granting of such rights. Aside from their purely permissive aspect, such rights extend to the holders a full or partial

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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.

O R D E R

IT IS ORDERED that:

1. The adopted new name of Eureka Aero Industries, Inc., "AIR PACIFIC, INC." will be substituted in its certificate.
2. A permanent Certificate of Public Convenience and Necessity is granted to Air Pacific, Inc., authorizing it to operate as a passenger air carrier between Arcata Airport and Redding, Chico, Sacramento, Santa Rosa and San Francisco Airports subject to the limitations and conditions set forth in Appendix A of Decision No. 80076. Appendix A is amended by incorporating Eleventh Revised Page 1 attached hereto in the revision of Tenth Revised Page 1.
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 in accordance with General Order No. 134 and to comply with the requirements of the Commission's General Orders Nos. 120, 129, 137 and 144.
 - 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 the effective date of this order on not less than ten 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 thirty days after the date hereof.

Dated at San Francisco, California, this 27th day of FEBRUARY, 1979.

John E. Bryson
President

William L. Stinson

Charles D. Givole

Paul J. ...

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Commissioners

#Air Pacific, Incorporated, by this certificate of public convenience and necessity, is authorized to operate as a passenger air carrier between the following airports only:

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

Conditions

1. Each airport shall be served with a minimum of one flight in each direction on each of five days a week.
- #2. Air Pacific will provide passenger service solely with aircraft having a maximum passenger capacity of less than 56 passengers.

<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
#ACV	Eureka	Arcata Airport

Issued by California Public Utilities Commission.

#Added or revised by Decision No. 90014 ; Application No. 58576.