

Decision No. 63705

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Petition )  
of CAL-NEVA AIR, INC., a )  
corporation, pursuant to General )  
Order No. 113, for suspension of ) (I&S) Case No. 7330  
the tariff of HERMAN L. JONES and )  
HENRY P. KENGLA d.b.a. PARADISE )  
AIRLINE, CAL. P.U.C. No. 2. )

OPINION AND ORDER DISCONTINUING PROCEEDING

By petition filed May 9, 1962, Cal-Neva Air, Inc., a corporation operating as an air transportation company, seeks the suspension and investigation of the tariff of Herman L. Jones and Henry P. Kengla, d.b.a. Paradise Airline, Cal.P.U.C. No. 2. The tariff was filed May 7, 1962, to be effective May 14, 1962.<sup>1</sup>

Petitioner alleges that Paradise Airline does not hold the operating authority from the Federal Aviation Agency required to operate as a common carrier air transportation company in intrastate commerce within the State of California. Petitioner alleges also that the tariff purports to establish rates which are unjust and unreasonable.

Respondent has filed a reply denying the allegations of the petition.

Petitioner has not stated any basis for its apparent presumption that operative authority from the Federal Government is a prerequisite to the filing with this Commission by an air transportation company of a tariff showing the rates, fares, charges, rules and classifications applicable to the transportation of persons or property in intrastate commerce within the State of California. Neither does the petition state any basis or support for the allegation that the assailed rates are unjust and unreasonable.

<sup>1</sup>

The tariff Cal.P.U.C. No. 2 was issued in lieu of a tariff Cal. P.U.C. No. 1 which was tendered for filing on April 30, 1962, but rejected for failure to give the five days' notice required by Rule No. 2.6 of General Order No. 105-A and for other technical deficiencies.

The petition for suspension and investigation will be denied without prejudice to the consideration of any complaint which may be filed concerning the reasonableness of the rates. The tariff having been filed to become effective on May 14, 1962, the following order will be made effective on the date hereof.

Good cause appearing,

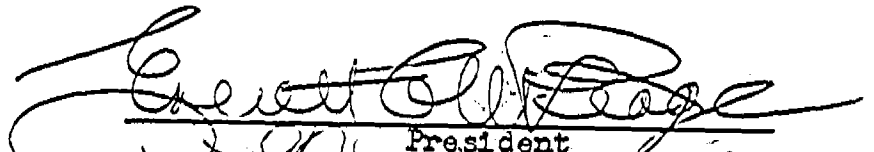


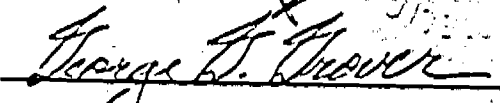
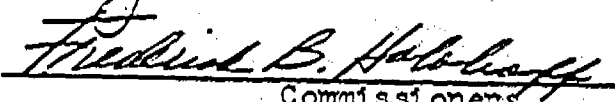
IT IS ORDERED that:

1. The petition of Cal-Neva Air, Inc., filed on May 9, 1962 in this proceeding, is denied without prejudice.

2. This proceeding is hereby discontinued.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 14<sup>th</sup> day of May, 1962.

  
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President  
  
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Commissioners