

79151

ORIGINAL

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application)
of TRANS SIERRA AIRLINES, a)
corporation, for an order)
authorizing it to issue stock)
pursuant to Sections 816-819)
of the California Public)
Utilities Code)

Application No. 52632

FIRST SUPPLEMENTAL OPINION

By Decision No. 78879, dated June 29, 1971, in the above-entitled matter, the Commission authorized Trans Sierra Airlines to issue not exceeding 5,000 shares of its \$1 par value common stock in cancellation of a \$5,000 indebtedness. Said decision was to become effective upon payment of the \$50 minimum fee prescribed by Section 1904.1 of the Public Utilities Code.

By letter dated May 25, 1971, counsel for applicant expressed the understanding that this Commission has declined to exercise jurisdiction over the issuance of stock by a passenger air carrier. As a result of such understanding, applicant "abandoned" the application and has refused to pay the required \$50 fee.

The Commission has instituted an investigation into the public utility status of passenger air carriers and into the applicability of the provisions of the Public Utilities Act to their security issues (Case 9267). Under these circumstances, and because the order in said Decision No. 78879 has not become effective, it should be vacated and set aside and the application should be dismissed without prejudice. A public hearing is not necessary.

In this connection applicant's attention is directed to the first sentence of Section 825 of said Code, which sentence reads as follows:

"All stock and every stock certificate or other evidence of interest or ownership, and every bond, note, or other evidence of indebtedness, of a public utility, issued without an order of the commission authorizing the issue thereof then in effect or not conforming in its provisions to any of the provisions which it is required by the order of authorization to contain, is void."

FIRST SUPPLEMENTAL ORDER

IT IS ORDERED that the order in Decision No. 78879, dated June 29, 1971, is hereby vacated and set aside.

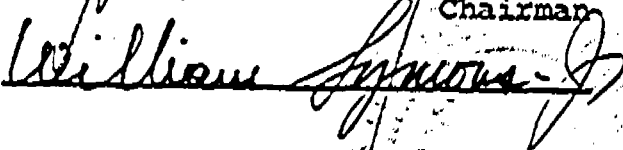
IT IS FURTHER ORDERED that Application No. 52632 is hereby dismissed without prejudice.

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

Dated at San Francisco, California,
this 21st day of SEPTEMBER, 1971.




Chairman



Commissioners



Commissioners



Commissioners

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.