

ORIGINAL

Decision No. 82143

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

GOLDEN SEDAN SERVICE, INC.,
a California corporation,

Complainant,

vs.

AIRPORT LIMOUSINE SERVICE
OF SUNNYVALE, INC., a
California corporation,

Defendant.

Case No. 9357
(Filed March 24, 1972)

ORDER OF DISMISSAL

This is a complaint by Golden Sedan Service, Inc. (Golden) against Airport Limousine Service of Sunnyvale, Inc. (Airport). Golden seeks an order which would (1) command Airport to cease and desist conducting operations as a passenger stage corporation, (2) impose a fine on Airport,^{1/} and (3) revoke Airport's charter-party carrier of passengers permit.

On April 3, 1972, Golden petitioned the Commission for the issuance of an interim cease and desist order against Airport. On August 15, 1972, the Commission issued an order temporarily denying

^{1/} The complaint seeks direct relief under Public Utilities Code Section 1037. Such relief would have to be granted by an appropriate court. (See Public Util. Code §2101.) The Commission may not directly impose a fine under the facts herein alleged without first issuing a cease and desist order.

the request for interim relief. (Decision No. 80372.) Golden's petition for rehearing and/or reconsideration of the temporary denial of interim relief was denied on October 31, 1972. (Decision No. 80683.)

Among the reasons for the temporary denial of interim relief were that "the confused nature of the regulation of this business activity is under review by the Commission in Case No. 9162, and the defendant has a certificate application under submission". The Commission takes official notice that on July 31, 1973 the Commission entered Decision No. 81684 in Application No. 52862 which granted Airport a certificate of public convenience and necessity to operate as a passenger stage corporation after a hearing in which Golden participated and raised the same issues as in this case. The Commission considered the issues and granted a certificate; therefore, in the circumstances the Commission is of the opinion that the issues sought to be raised herein are moot. The Commission makes the following findings and conclusion.

Findings of Fact

1. On July 31, 1973, the Commission entered Decision No. 81684 in Application No. 52862, which granted Airport a certificate of public convenience and necessity to operate as a passenger stage corporation.

2. The issues raised by the complaint herein have become moot.

Conclusion of Law

The complaint should be dismissed.

IT IS ORDERED that the complaint in Case No. 9357 is dismissed.

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

Dated at San Francisco, California, this 20th day of NOVEMBER, 1973.

William Symons - J. President
D. M. ...
[Signature]
[Signature] Commissioners

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