

91516 APR 2 1980

ORIGINAL

Decision No. \_\_\_\_\_

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of C & M Aviation, Inc.,  
dba American Aviation and/or C & M  
Airlines, to operate passenger air  
carrier service between Inyokern  
and Los Angeles; and to establish  
fares.

Application No. 58206  
(Petition for Modifi-  
cation of D.90021,  
filed March 7, 1979)

ORDER OF DISMISSAL

Applicant seeks authority to modify its passenger air carrier certificate granted by D.90021 for service between Inyokern and Los Angeles International Airport.

Pursuant to the order of the U.S. District Court for the Northern District of California (Sierra Flite Service Inc. v PUC, et al., Civil No. 079-0840 SW, June 1, 1979), this Commission is permanently enjoined from regulating the rates, routes, or services of any air carrier having authority or holding an exemption under Title IV of the Federal Aviation Act of 1958, as amended. The court has held that the sole authority to regulate the intrastate operations of such airlines lies with the Civil Aeronautics Board. The order has been appealed by this Commission.

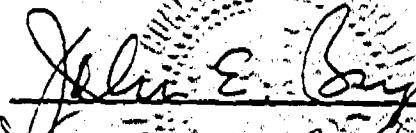
Processing of this petition for modification has been withheld pending resolution of the jurisdictional issues. The facts under which the petition was filed have changed.

This petition should be dismissed because the jurisdictional issue raised in the federal court proceeding may not be finally resolved for some time. If the jurisdictional issue is resolved in favor of California, the petition may be refiled.

Therefore, IT IS ORDERED that the petition for modification of Decision No. 90021 in Application No. 58206 is dismissed without prejudice.

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

Dated APR 2 1986, at San Francisco, California.

  
John E. Boyer President  
James L. Stanger  
Richard W. Howell  
Lawrence J. Quinn Commissioners

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.