

ORIGINAL

Decision No. 91517 APR 2 1980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of AIR PACIFIC, INCORPORATED
(Eureka Aero Industries,
Incorporated) for a Certificate
of Public Convenience and
Necessity to Provide Passenger
Air Carrier Service to and from
San Francisco International
Airport and South Lake Tahoe
Airport, Directly, and With
Sacramento Metro Airport as
Either a Terminal or Intermediate
Point.

Application No. 58472
(Filed November 15, 1978;
amended April 9, 1979)

ORDER OF DISMISSAL

Applicant seeks authority to operate as a passenger air carrier between San Francisco International Airport and South Lake Tahoe Airport, directly, and with Sacramento Metro Airport as either a terminal or intermediate point.

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 that 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.

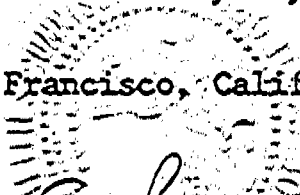
Processing of this application has been withheld pending resolution of the jurisdictional issues. The facts under which the application was filed have probably changed and the record is stale.

This application 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 application herein may be refiled.

Therefore, IT IS ORDERED that this application is dismissed without prejudice.

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

Dated APR 2 1980, at San Francisco, California.


John G. Bryson
President

Veron L. Stinson
Robert W. Howell

Francis J. Davis
Commissioners

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