

ORIGINAL

Decision No. 91518 APR 2 1980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of NEVADA STAR FEED AND FARMING CORP. D.B.A. NEVADA STAR AIRLINES, INC. for a certificate of public convenience and necessity to provide commuter passenger air service between Cloverdale, Santa Rosa, San Francisco on the one hand and San Francisco, Santa Rosa, Cloverdale on the other hand.

Application No. 58521
(Filed December 21, 1978)

ORDER OF DISMISSAL

Applicant seeks authority to operate as a passenger air carrier between Cloverdale, Santa Rosa, and San Francisco.

Pursuant to the order of the U.S. District Court for the Northern District of California ^{Santa Rosa, California} (~~Hughes Air West, et al. v PUC, et al., Civil No. 78-2880-SW, March 9, 1979~~ ^{079-0840 SW, June 1}), this Commission is permanently enjoined from regulating 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, to provide interstate air transportation. The court 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.

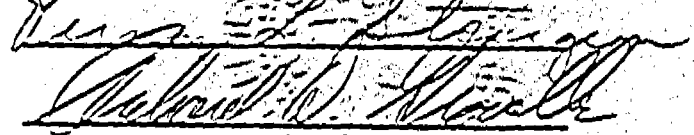
This application should be dismissed because the jurisdictional issue raised in the federal court proceeding may not be finally resolved for some time. If the jurisdictional issue is resolved in favor of California, the application herein may be refiled.

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.


President


Commissioner


Commissioners

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