

\*CBG

Decision No. 91577 APR 15 1980

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of  
CONTINENTAL AIR LINES, INC.  
for authority to increase and  
cancel certain intrastate  
passenger fares.

} Application No. 57230  
(Filed April 15, 1977)

ORDER OF DISMISSAL

Applicant seeks authority to increase and cancel certain of its intrastate passenger air fares.

Pursuant to the order of the U. S. District Court for the Northern District of California (Hughes Air West, et al., v. PUC, et al., Civil No. C-78-2880-SW, March 9, 1979), this Commission is permanently enjoined from regulating the rates, routes, or services of any air carrier having authority 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 application has been ~~withheld~~<sup>withheld</sup> pending resolution of the jurisdictional issues. The facts under which the application <sup>was</sup> ~~were~~ filed have 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 15 1980, at San Francisco, California.

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President  
*Vernon L. Stevenson*  
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*Robert T. Howell*  
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*Clayton J. ...*  
\_\_\_\_\_  
*Samuel J. ...*  
Commissioners

Commissioner John E. Bryson,  
being necessarily absent, did  
not participate.