

Decision No. 91580 APR 15 1980

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Application of WestAir Com-
muter Airlines, Inc., for a Certificate of
Public Convenience and Necessity to provide
air service to and from Eureka/Arcata and
Redding, Chico, Sacramento, Santa Rosa and
San Francisco; and to and from Crescent City
and Eureka/Arcata, Redding, Chico, Sacramento,
Santa Rosa and San Francisco.

)
Application No. 58765
)
(Filed May 9, 1979)

ORDER OF DISMISSAL

Applicant seeks a certificate of public convenience and necessity to provide passenger air service to and from Eureka/Arcata and Redding, Chico, Sacramento, Santa Rosa and San Francisco and to and from Crescent City and Eureka/Arcata, Redding, Chico, Sacramento, Santa Rosa, and San Francisco.

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.

SS Processing of this application has been withheld pending resolution of the jurisdictional issues. The facts under which the application ^{was} 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} prejudice.

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

Dated. APR 15 1980, at San Francisco, California.

President

William R. Strickman

Richard D. Howell

Charles T. Dooling

Commissioners

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