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Decision No. _____

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of DESERT PACIFIC AIRWAYS, a California corporation, for a Certificate of Public Necessity to operate as a passenger air carrier between Oxnard, Lancaster, Bakersfield, Sacramento, and San Francisco International Airport and returns therefrom.

Application No. 58795 (Filed April 9, 1979)

ORDER OF DISMISSAL

Applicant seeks a certificate of public convenience and necessity to provide passenger air service between Oxnard and San Francisco, between San Francisco and Sacramento, between Sacramento and Bakersfield, between Bakersfield and Oxnard, between Bakersfield and Lancaster, and between Lancaster and Oxnard.

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 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.

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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.

President
Thomas L. Strayer

Richard D. Howell

Clair T. Adams

Samuel W. Lewis
Commissioners

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