

ORIGINAL

Decision No. 91823 MAY 20 1980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's
own motion into the transportation
of battery-powered wheelchairs by
air carriers.

OII No. 16
(Filed May 31, 1978)

ORDER OF DISCONTINUANCE

By its order dated May 31, 1978, the Commission instituted an investigation into the transportation of battery-powered wheelchairs by air carriers.

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 rates, routes, or services of any air carrier having authority 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 operation of such airlines lies with the Civil Aeronautics Board. The order has been appealed by this Commission.

The investigation should be discontinued 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 investigation may be reinstated.

Therefore, IT IS ORDERED that this investigation is discontinued.

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

Dated MAY 20 1980, at San Francisco, California.

John E. Bayon
President
William L. Stevenson
Richard D. Howell
Clair J. D. Adair
Samuel M. Lewis
Commissioners