

ORIGINAL

Decision No. 92457 DEC 2 - 1980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of Purolator Armored, Inc., a
corporation, for a certificate of
public convenience and necessity
to operate as an express
corporation.

Application No. 59700
(Filed May 29, 1980)

ORDER OF DISMISSAL

By this application Purolator Armored, Inc. (Purolator) seeks a certificate of public convenience and necessity pursuant to Section 1010 of the Public Utilities Code (Code), authorizing it to operate as an express corporation, as defined in Section 219 of the Code, transporting commodities of unusual value by air between all points and places within the State of California.

Purolator is the holder of a highway contract carrier permit as amended in November 1979 to operate as a highway contract carrier in the State of California (File No. T-102,287).

This application is similar to Application No. 59635 filed by Brink's, Inc. (Brink's). We decided today in the Brink's application that its application should be dismissed without prejudice since 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 pursuant to the order of the U. S. District Court for the northern district of California. (Sierra Flite Service, Inc. et al. v California PUC et al., Civil No. 079-0840 S.W. June 1, 1979.)

Findings of Fact

1. Purolator's application is similar to Brink's Application No. 59635 which was dismissed today.

SS ✓ 2. This Commission is permanently enjoined from regulating the rates, routes, or services of any air carrier having authority for holding an exemption under Title IV of the Federal Aviation Act of 1958, as amended pursuant to the order of the U. S. District Court for the Northern District of California. (Sierra Flite Service, Inc. et al. v California PUC et al., Civil No. 079-0840 S.W., June 1, 1979.)

3. The Federal District Court order has been appealed by this Commission.

4. This application should be dismissed because the jurisdictional issue raised on appeal may not be finally resolved for some time. If the jurisdictional issue is resolved in favor of California, the application may be refiled.

5. A public hearing is not necessary.

IT IS ORDERED that Application No. 59700 is dismissed without prejudice.

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

Dated DEC 2-1980, at San Francisco, California.

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

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

John E. Bryson
President

Richard W. Gwathmey

Samuel J. Smith
Commissioners