

**IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT**

BLUE COMET DINER,	:	No. 878 MAL 2006
	:	
Respondent	:	
	:	Petition for Allowance of Appeal from the
v.	:	Order of the Commonwealth Court
	:	
PENNSYLVANIA HUMAN RELATIONS	:	
COMMISSION,	:	
	:	
Petitioner	:	

ORDER

PER CURIAM

DECIDED: September 5, 2007

The Petition for Allowance of Appeal is **GRANTED** and the decision and order of the Commonwealth Court is **REVERSED** based on this Court's decision in Riedel v. Human Relations Commission of the City of Reading, 739 A.2d 121 (Pa. 1999) (distinguishing jurisdiction from authority to act and pointing out that it is axiomatic that issues not preserved for appellate review will not be addressed by the appellate court). Further, this matter is **REMANDED** to the Commonwealth Court to decide the issues raised by Blue Comet in its initial appeal to that court.

Mr. Justice Eakin dissents.