

Decision No. 240885.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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FRED A. SUMMERLAND,
Complainant,

vs.

WILLIAM H. KITTO, Jr.,
Defendant.

Case No. 2666.

ORIGINAL

E. P. Sample, for complainant.

Edgar A. Luce, for defendant.

BY THE COMMISSION:

O P I N I O N

The complainant alleges that William H. Kitto, Jr., defendant, is operating a passenger stage service for compensation between San Ysidro, California, and the International boundary line without having obtained a certificate of public convenience and necessity from this Commission. The defendant in his answer alleges that he runs a taxicab service only and does not operate regularly over any fixed route.

A public hearing was held thereon in San Diego on April 13, 1929 before Examiner Rowell.

The evidence is clear that the defendant's operation between the points named is more or less regular and that he has charged each passenger a fare of ten cents. During the racing season particularly he has averaged at least twenty round trips daily. Defendant admits that he carries any

number of passengers to the extent of the capacity of his car and charges each passenger on an individual fare basis. Though he may term such service a taxicab service it is apparent that he is not running his car on a trip basis but is performing the service of a passenger stage corporation as defined in Section 2 $\frac{1}{2}$ of the Public Utilities Act.

Defendant testified that he is willing to make trips to any point to which a passenger may require transportation. It may be that in addition to the regular service between San Ysidro and the boundary he is conducting a service on a "for hire" basis, but such circumstances do not relieve him from securing from the Commission a certificate for the regular passenger stage service which he undoubtedly is conducting between the two points.

O R D E R

A public hearing having been held upon the above entitled complaint, the matter submitted and now being ready for decision, and basing its order on the findings and conclusions in the opinion above, the Railroad Commission of the State of California hereby finds that defendant William H. Kitto, Jr. is operating a passenger stage service for compensation between fixed points and over a regular route without having obtained a certificate of public convenience and necessity, and

IT IS HEREBY ORDERED that William H. Kitto, Jr. immediately cease and desist from said operations, and

IT IS HEREBY ORDERED that a certified copy of
this opinion and order be mailed to the district
attorney of San Diego County.

Dated at San Francisco, California, this 14th
day of May, 1929.

Wm. S. Lott
W. S. Lott
Wm. S. Lott
Wm. S. Lott
W. S. Lott
Commissioners.