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Decision No. 22756.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Florence L. Rhoda and Henry W. Rhoda, doing business under the fictitious name of "THE OWL TAXI SERVICE" in Riverside, California, for certificate of public convenience and necessity to operate an automobile service as a common carrier between the City of Riverside, California, and March Field, Riverside County, California.

ORIGINAL

Application
No. 16786.

BY THE COMMISSION:

OPINION and ORDER

This is an application by Florence L. Rhoda and Henry W. Rhoda, doing business under the fictitious name of "The Owl Taxi Service" for a certificate of public convenience and necessity to operate a common carrier automotive service between Riverside and March Field, a U.S. government aviation field.

Applicant, as shown by Exhibits "A" and "B", both of which are attached to the application herein and made a part thereof, proposes to charge a one way fare of 75 cents between Riverside and March Field, and to give the service on call or demand. The route proposed to be followed is shown in Exhibit "D". The equipment proposed to be used is shown in Exhibit "C".

The application is based on the following declarations:

That March Field is a government aviation school and employs a great many men known as "ground men"; that they desire transportation to Riverside at times when the regular transportation companies now operating cannot give it to them; that in order to accommodate those men, it is necessary to have someone whom they can call at will to transport them; that the schedules of available transportation do not afford the men there the convenience of transportation that they need.

That heretofore numerous persons have endeavored to

furnish the men of March Field transportation; that the same has been very uncertain, and that they have been charged different and various prices for the same kind of service.

Attached to the application, as Exhibit "E", is a letter from Motor Transit Company, the only authorized common carrier serving the field, advising that it will not oppose the granting of the application, provided that intermediate points between the terminals are not served and further that only cars not exceeding five passenger capacity are used in said service.

Under the circumstances we are of the opinion that this application should be granted. It does not appear to be a matter in which a public hearing is necessary.

Florence L. Rhoda, and Henry W. Rhoda, doing business under the fictitious name of "The Owl Taxi Service" are hereby placed upon notice that "operative rights" do not constitute a class of property which should be capitalized or used as an element of value in determining reasonable rates. Aside from their purely permissive aspect, they extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be changed or destroyed at any time by the state which is not in any respect limited to the number of rights which may be given.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA
HEREBY DECLARES that public convenience and necessity require the operation by Florence L. Rhoda and Henry W. Rhoda, doing business under the fictitious name of "The Owl Taxi Service" of an automobile service between Riverside and March Field, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for such a service be and the same is hereby granted to Florence L. Rhoda and Henry W. Rhoda subject to the following conditions:

- 1- That no service shall be given to points intermediate between Riverside and March Field and that no equipment larger than cars of five-passenger capacity shall be used in said service.
- 2- Applicants shall file their written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from date hereof.
- 3- Applicants shall file, in duplicate, within a period of not to exceed twenty (20) days from the date hereof, tariff of rates and time schedules, such tariffs of rates and time schedules to be identical with those attached to the application herein, or rates and time schedules satisfactory to the Railroad Commission, and shall commence operation of said service within a period of not to exceed thirty (30) days from the date hereof.
- 4- The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.
- 5- No vehicle may be operated by applicants herein unless such vehicle is owned by said applicants or is leased by them under a contract or agreement on a basis satisfactory to the Railroad Commission.

For all other purposes the effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 20th day of August 1930.

Ed Leary
Samuel J. ...
Leon ...
Max S. ...

COMMISSIONERS.