

Decision No. 45709

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation into the fares, rules, regulations, charges, services, operations and practices of Arrow Airways, Inc.; California Central Airlines; Kenneth G. Friedkin, doing business as Pacific Southwest Airlines; Robin Airways, Inc.; Southwest Airways Company; Transcontinental & Western Air, Inc.; United Air Lines, Inc.; and Western Air Lines, Inc.

Case No. 5271

ORDER DENYING REHEARING

United Air Lines, Inc., one of the respondents above named, has filed its petition for rehearing respecting Decision No. 45624 rendered by the Commission in the above-captioned case on April 24, 1951. The Commission has fully considered all points made by petitioner in its petition for rehearing and is of the opinion that no good cause has been shown by the petitioner for the granting of said petition. All points made by the respondents in their briefs filed in this case received the careful consideration of the Commission and the points raised by petitioner in this petition are essentially the same which it raised in its brief filed herein. For the reasons heretofore stated by the Commission in its decision, the petition for rehearing is hereby denied.

In denying this petition for rehearing, we wish to state that we have given full consideration to all the implications that flow from the decision of In Re Martinez, 22 Cal. 2d 259, but find nothing in said decision that applies to the instant proceeding. In the Martinez case, the operation involved was that of a taxicab, operat-

ing exclusively within the corporate limits of the City of Sacra-
mento. As pointed out by the Court in that case (p. 262), Section
2-1/4 of the Public Utilities Act specifically exempted from Commis-
sion jurisdiction all operations of passenger carriers by motor ve-
hicle, which were exclusively within the limits of a single incor-
porated city, town or city and county. The taxicab operations in
the Martinez case were thus specifically exempted from the jurisdic-
tion of this Commission and such exemption was a complete answer to
the contention by Martinez that the Commission had jurisdiction
over his taxicab operations within the city limits of Sacramento.
Anything said by the Court beyond this was dicta and unnecessary to
the decision in that case.

Dated, San Francisco, California, this 15th day of
May, 1951.

R. J. [Signature]
Justus J. Craven
Harold P. Hilde
Peter E. [Signature]
Commissioners