

**ORIGINAL**

Decision No. 74938

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 )  
 CAPITOL TRANSPORTATION CO., a )  
 California corporation, )  
 )  
 for authority to merge as a )  
 wholly owned subsidiary company )  
 with UNION TAXI CORPORATION, a )  
 California corporation, its )  
 parent company. )

Application No. 50620  
Filed October 15, 1968

In the Matter of the Application of )  
 )  
 YELLOW INVESTMENT COMPANY, a )  
 California corporation, )  
 )  
 for authority to merge as a )  
 wholly owned subsidiary company )  
 with UNION TAXI CORPORATION, a )  
 California corporation, its )  
 parent company. )

Application No. 50621  
Filed October 15, 1968

O P I N I O N

These are applications for orders of the Commission authorizing Capitol Transportation Co. and Yellow Investment Company to transfer their passenger stage corporation certificates of public convenience and necessity to Union Taxi Corporation.

By Decision No. 59390, dated December 15, 1959, in Application No. 41616, the Commission granted Capitol Transportation Co. a certificate of public convenience and necessity authorizing

it to transport passengers, baggage and shipments of express weighing 200 pounds or less, on passenger-carrying vehicles only, between West Sacramento, Sacramento and Sacramento Municipal Airport.

By Decision No. 74120, dated May 21, 1968, in Application No. 49250, the Commission granted Yellow Investment Company a certificate of public convenience and necessity authorizing it to transport passengers, their baggage and shipments of express weighing 100 pounds or less, on passenger-carrying vehicles, between the Sacramento Metropolitan Airport, on the one hand, and the City of Sacramento, or any point within two miles of the Sacramento city limits, on the other hand.

On July 12, 1968, Union Taxi Corporation filed Certificates of Ownership in the office of the California Secretary of State. The certificates recite the merger into said corporation of Capitol Transportation Co. and Yellow Investment Company, and the assumption by the former of all the latter corporations' obligations pursuant to Section 4124 of the Corporations Code. Union Taxi Corporation possessed no authority to operate as a public utility subject to the jurisdiction of this Commission. The holders of said certificates of public convenience and necessity now seek authority for their transfer to Union Taxi Corporation.

After consideration the Commission finds that the proposed transfers would not be adverse to the public interest. A public

hearing is not necessary. The order which follows will provide for, in the event the transfers are consummated, the revocation of the certificates presently held by Capitol Transportation Co. and Yellow Investment Company and the issuance of a certificate in appendix form to Union Taxi Corporation.

Union Taxi Corporation is hereby placed on notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate fixing for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights. Aside from their purely permissive aspect, such rights extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be modified or canceled at any time by the State, which is not in any respect limited as to the number of rights which may be given.

O R D E R

IT IS ORDERED that:

1. On or before December 31, 1968, Capitol Transportation Co. and Yellow Investment Company may transfer, and Union Taxi Corporation may acquire, the operative rights referred to in the applications.

2. Within thirty days after the consummation of the transfers herein authorized, Union Taxi Corporation shall notify the Commission, in writing, of that fact and within said period shall file with the Commission a true copy of any bills of sale or other instruments of transfer which may be executed to effect said transfers.

3. Applicants shall amend or reissue the tariffs and timetables on file with the Commission, naming rates and rules governing the common carrier operations herein to show that Capitol Transportation Co. and Yellow Investment Company have withdrawn or canceled, and Union Taxi Corporation has adopted or established, as its own, said rates and rules. The tariff and timetable filings shall be made effective not earlier than ten days after the date of this order on not less than ten days' notice to the Commission and the public, and the effective date of the tariff and timetable filings shall be concurrent with the consummation of the transfers herein authorized. The tariff and timetable filings made pursuant to this order shall comply in all respects with the regulations governing the construction and filing of tariffs and timetables set forth in the Commission's General Orders Nos. 79 and 98-A. Failure to comply with and observe the provisions of General Orders Nos. 79 and 98-A may result in a cancellation of the operating authority granted by this decision.

4. On or before the end of the third month after the consummation of the transfers as herein authorized, Union Taxi Corporation shall cause to be filed with the Commission, in such form as the Commission may prescribe, annual reports related to the operations of the transferors for the period commencing with the first day of the current year to and including the effective date of the transfers.

5. In the event the transfers authorized in paragraph 1 hereof are consummated, a certificate of public convenience and necessity is granted to Union Taxi Corporation authorizing it to operate as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, between the points and over the routes particularly set forth in Appendix A attached hereto and made a part hereof.

6. The certificate of public convenience and necessity granted in paragraph 5 of this order shall supersede the certificates of public convenience and necessity granted by Decisions Nos. 59390 and 74120, which certificates are revoked effective concurrently with the effective date of the tariff filings required by paragraph 3 hereof.

7. In providing service pursuant to the certificate herein granted, Union Taxi Corporation shall comply with and observe the following service regulations. Failure so to do may result in a cancellation of the operating authority granted by this decision.

- (a) Within thirty days after the date hereof, Union Taxi Corporation shall file a written acceptance of the certificate herein granted. The company is placed on notice that, if it accepts the certificate of public convenience and necessity herein granted, it will be required, among other things, to comply with and observe the safety rules of the California Highway Patrol, the rules and other regulations of the Commission's General Order No. 98-A and insurance requirements of the Commission's General Order No. 101-B.
- (b) Union Taxi Corporation shall maintain its accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission, on or before March 31 of each year, an annual report of its operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

8. The effective date of this order is the date hereof.

Dated at San Francisco, California,  
this 13<sup>th</sup> day of NOVEMBER, 1968.

\_\_\_\_\_  
President  
*William L. Bennett*  
\_\_\_\_\_  
*Augusta*  
\_\_\_\_\_  
*W. P. Monussey*  
Commissioners

Commissioner William Simons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY

---

Showing passenger stage operative rights,  
restrictions, limitations, exceptions, and  
privileges applicable thereto.

---

All changes and amendments as authorized by  
the Public Utilities Commission of the State  
of California will be made as revised pages  
or added original pages.

Issued under authority of Decision No. 74938,  
dated NOV 13, 1968, of the Public Utilities  
Commission of the State of California, in Applications  
Nos. 50620 and 50621.



SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS  
AND SPECIFICATIONS.

Union Taxi Corporation, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized as follows:

1. To transport passengers, their baggage and shipments of express weighing 100 pounds or less, on passenger-carrying vehicles between the Sacramento Metropolitan Airport, on the one hand, and the City of Sacramento, or any point within two miles of the Sacramento city limits, on the other hand, over the routes hereinafter described subject to the following provisions:
  - (a) No passengers shall be transported except those having either point of origin or destination at the Sacramento Metropolitan Airport.
  - (b) Passengers shall be picked up and discharged only at points and places named in tariffs and timetables filed with the Commission.
2. To transport passengers, baggage and shipments of express weighing 200 pounds or less, on passenger-carrying vehicles only, between West Sacramento, Sacramento, and Sacramento Municipal Airport.

SECTION 2. ROUTE DESCRIPTIONS.

Commencing at any point within the authorized service area, thence to the downtown terminal of Union Taxi Corporation in the City of Sacramento, thence via the most appropriate city streets and public highways to the Sacramento Metropolitan Airport, or the Sacramento Municipal Airport, and return via the same routing.

Issued by the California Public Utilities Commission.

Decision No. 74938, Applications Nos. 50620 and 50621.