

ORIGINALDecision No. 79458

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Robert Joel Hoaglund dba
Yellow Cab of Santa Barbara,

vs. Complainant,

Paul Valencia dba Aero
Limousine Service,

Defendant.

Case No. 9249
(Filed July 19, 1971)Robert J. Hoaglund, in propria persona, complainant.
Paul Valencia, in propria persona, defendant.
Raymond Toohey, for the Commission staff.O P I N I O N

A public hearing on the above matter was held before Examiner Daly at Santa Barbara on November 9, 1971, at which time and place the matter was taken under submission.

The record discloses that complainant is an employee of the Yellow Cab Company of Santa Barbara ^{1/} and defendant is a passenger stage corporation authorized to transport passengers between the Santa Barbara Airport, on the one hand, and certain specified areas within the vicinity of Santa Barbara, on the other hand. (Decision No. 78919 dated July 13, 1971, in Application No. 52596.) On or about July 15, 1971, complainant observed defendant transporting passengers and numerous pieces of luggage from the Santa Barbara Airport to a point beyond defendant's certificated area. In answer thereto defendant admitted performing the transportation, but stated that it was an isolated occasion performed as an accommodation for three individuals who had between them 23 pieces of luggage.

1/ During the course of hearing complainant requested that the complaint be amended to show that he is an employee of the Yellow Cab Company of Santa Barbara and that the complaint was filed in his own behalf and not on behalf of the company.

After consideration the Commission finds that complaint and answer thereto relate to a single incident whereby defendant performed transportation beyond his certificated authority. In the absence of any showing that defendant is actually performing service between fixed termini or over regular routes for compensation on an individual fare basis beyond the scope of his certificated authority, or is holding himself out to perform such service, the complaint must be dismissed.

Defendant is placed upon notice that a finding of unlawful operations beyond one's certificated authority can lead to a revocation of said certificate.

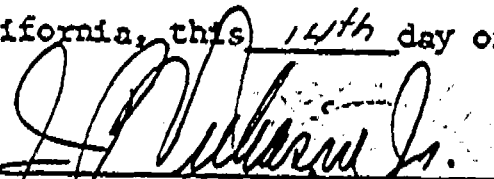
The Commission concludes that the complaint should be dismissed.

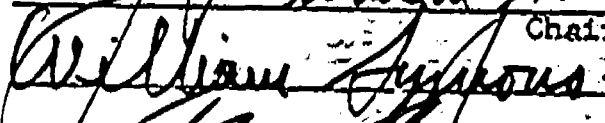
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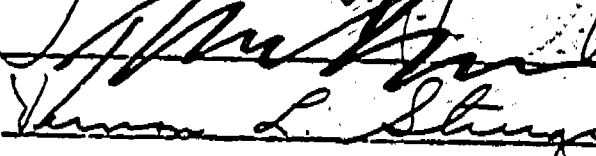
IT IS ORDERED that the complaint in Case No. 9249 is hereby dismissed.

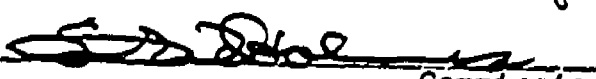
The effective date of this order shall be twenty days after the date hereof.

Dated at Los Angeles, California, this 14th day of DECEMBER, 1971.



Chairman






Commissioners