

Decision No. 82246

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

John W. Burke,
Mrs. John W. Burke,

Complainants,

vs.

Yellow Cab Company of San
Bernardino, a corporation,
Yellow Limousine Service,

Defendants.

Case No. 9611
(Filed September 17, 1973)

ORDER OF DISMISSAL

Complainants conduct business at Rialto Taxi Company in Rialto, California. Defendant operates Yellow Limousine Service in San Bernardino, California. Defendant holds a permit to operate as a charter-party carrier of passengers pursuant to Sections 5351 through 5419 of the California Public Utilities Code (CPUC File No. TCP-204).

The complaint alleges that Yellow Limousine Service, based in the city of San Bernardino, operates its limousine service as a taxicab company in the city of San Bernardino at the same rates as taxis, and that it uses its limousines as taxis in Rialto and picks up passengers in Rialto in response to telephone requests. Defendant's answer admits that Yellow Limousine Service has advertised its limousine service in Rialto and denies all other material allegations.

However, if we assume all allegations of the complaint are true, it fails to state a cause of action within the Commission's jurisdiction. Defendant is authorized, under its permit to

transport persons by motor vehicle for compensation, whether in common or contract carriage, over any public highway in this State (Public Utilities Code, Section 5360). The fact that the limousine service of defendant may compete with complainant's taxicab service does not establish that defendant has violated any law.

The complaint fails to establish that any law or regulation has been violated by the defendant.

IT IS ORDERED that complaint, Case No. 9611, be, and it is hereby dismissed.

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

Dated at San Francisco, California, this 18th day of DECEMBER, 1973.

President
William J. Lyons

[Signature]

[Signature]
Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.