

Service Date: October 21, 1975

BEFORE THE UTILITY DIVISION
DEPARTMENT OF PUBLIC SERVICE REGULATION
OF THE STATE OF MONTANA
PUBLIC SERVICE COMMISSION

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IN THE MATTER of the Complaint)
Filed by Petitions Against the) DOCKET NO. 6239
COMBINED HUNGRY HORSE WATER)
COMPANY. INC.) ORDER NO. 4172-a

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The Proposed Order No. 4172 previously issued in this Docket by ERNEST C. STEEL, acting as a Hearing Examiner, is in reality a non-order in the sense that anything which it directs to be performed could have been directed by the Commission without the Commission first having held a public hearing on the matter. For that reason there is no necessity to adopt the order as proposed or to deny it.

The Commission, however, makes the following Conclusions of Law with regard to contentions made over the proposed order

- 1) The demand by Mr. Marshall Murray for “a full and complete transcript for the new Commission to review is not necessary in this case because the new Commission can order any action contemplated by the proposed order without a hearing under present statutory authority.
- 2) The demand for a free Copy of a full and complete transcript to be provided to Mr. Marshall Murray is denied because Section 62-4209 (6) R.C.M, 1947. provides. “Unless otherwise provided by statute, the cost of the transcription shall be paid by the requesting party.”
- 3) The Montana Consumer Counsel was a proper party in this Docket because ho appeared through authority granted In Section 70-707(1)1 R.C.M. 1947, pursuant to requests filed with his office by consumers of the COMBINED HUNGRY HORSE WATER COMPANY. INCORPORATED, Pursuant to these requests by consumers, the Consumer Counsel did indeed appear on behalf of those consumers.

4) The utility contends that the PUBLIC SERVICE COMMISSION only I has authority to deal with questions and matters of rates. Even a cursory glance at the chapter governing Commission authority would indicate this contention to be without merit.

Section 70-103. R.C.M. 1947, invests the Commission with full power of supervision, regulation and control of such utilities. ..." Section 70—106. R.C.M. 1947. gives the Commission power to ascertain property values: Section 70—107, R.C.M. 1947, imparts authority for the Commission to regulate books, accounts. papers. or other records of transacted business of a utility: Section 70-112. R.C.M. 1947, places an affirmative duty on the Commission to ascertain and prescribe "suitable and convenient commercial units of product or service" and to "ascertain and fix adequate and serviceable standards for the measurement of quality, pressure. initial voltage, or other conditions pertaining to the supply of the product (in this case water) or service rendered by any public utility...."

Also, as the Consumer Counsel points out, Section 70-119. R.C.M. 1947, specifically obligates the Commission to investigate tiny utility, not only in regard to the reasonableness of rates, but also regarding whether the utility's regulations, practices or acts or any service of the utility is in any respect unreasonable, insufficient, or unjustly discriminatory, or whether any service is inadequate.

Adequacy of service, establishment of a proper transmission system and the insurance that rate payers are not paying for service to someone other than themselves are matters well within the jurisdiction of this Commission.

The Commission-ordered inspection in this Docket has been performed and the engineer has issued its report and recommendations.

The occurrence of dirty water in the Hungry Horse, system during the Spring of 1974. appears to have been the result of an accident during Spring runoff. The utility's water source has been changed since the time of that accident.

This Docket. No. 6239, is therefore closed. Any further proceedings regarding the COMBINED HUNGRY HORSE WATER COMPANY. INC., may be initiated by either the Company's consumers, the Commission, or the utility itself and the now Commission will decide then based upon a record that has not been outdated by passage of time.

DONE in Helena, Montana, on October 3, 1975. by a 5-0 vote..

BY THE MONTANA PUBLIC SERVICE

GORDON E. BOLLINGER, Chairman

P.J. GILFEATHER, Commissioner

THOMAS G. MONAHAN, Commissioner

JAMES R. SHEA, Commissioner

GEORGE TURMAN, Commissioner

ATTEST:

Gail Behan
Secretary