

Service Date: July 29, 1981

DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION

In the Matter of the Investigation of a) UTILITY DIVISION
\$1,000 Hook-up Fee and Main Extension) DOCKET NO. 80.12.106
Policies of the City of Hardin.) ORDER NO. 4792b

Since the issuance of Order No. 4792a (service date July 1, 1981) the District Court of the First Judicial District, Gordon R. Bennett, District Judge, issued its Memorandum and Order, dated July 6, 1981, in Cause No. 46028, Montana-Dakota Utilities Co. v. Department of Public Service Regulation, Montana Public Service Commission. That Order held, inter alia:

The Public Service Commission cannot order refunds because it has no statutory authority to do so. (Pages 3-4)

On July 24, 1981, the City filed a Motion for Reconsideration. That motion was granted by the Commission on July 27, 1981. As a result, Order No. 4792 (the Proposed Order which was adopted by the full Commission in Order No. 4792a) should be amended. The following additional Conclusion of Law is hereby incorporated into Order No. 4792a:

5. The Public Service Commission cannot order refunds because it has no statutory authority to do so. (Memorandum and Order, July 6, 1981, No. 46028, Montana-Dakota Utilities Co. v. Department of Public Service Regulation, Montana Public Service Commission, First Judicial District of Montana, Gordon R. Bennett, District Judge).

Also, the second full ordering paragraph of Order No. 4792a is hereby stricken.

All other provisions of Order No. 4792a remain in effect.

Dated this 27th Day of July, 1981, by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

GORDON E. BOLLINGER, Chairman

JOHN B. DRISCOLL, Commissioner

HOWARD L. ELLIS, Commissioner

CLYDE JARVIS, Commissioner

THOMAS J. SCHNEIDER, Commissioner

ATTEST:

Madeline L. Cottrill
Commission Secretary
(SEAL)

NOTE: You may be entitled to judicial review of the final decision in this matter. If no Motion for Reconsideration is filed, judicial review may be obtained by filing a petition for review within thirty (30) days from the service of this order. If a Motion for Reconsideration is filed, a Commission order is final for purpose of appeal upon the entry of a ruling on that motion, or upon the passage of ten (10) days following the filing of that motion. cf. the Montana Administrative Procedure Act, esp. Sec. 2-4-702, MCA; and Commission Rules of Practice and Procedure, esp.38.2.4806 ARM.