

Service Date: June 12, 1980

DEPARTMENT OF PUBLIC SERVICE REGULATION  
MONTANA PUBLIC SERVICE COMMISSION

UTILITY DIVISION

In the matter of Termination of ) DOCKET NO. 80.5.34  
Martin City Water Company service ) ORDER NO. 4664

NOTICE AND ORDER

The Commission, based on the evidence before it at this time, makes the following findings, conclusions, and order:

FINDINGS OF FACT

1. On May 27, 1980, Wesley F. Johnson, owner/operator of the Martin City Water Company, informed the Montana Public Service Commission, both orally and by letter, that he intended to terminate the company's service on June 15, 1980 due to the mental and financial burdens of continuing operation. At the May 27th meeting, Mr. Johnson was informed that it would be unlawful for him to terminate service prior to a hearing and Order on the matter. Mr. Johnson agreed with this, saying that his main concern was to inform the customers of the Company of his intention to terminate service.

2. The Commission's next available date for a hearing in Martin City is July 15, 1980.

3. On May 30, 1980, Mr. Johnson wrote the Commission requesting that an emergency rate increase hearing be set up at the same time as the termination hearing. Mr. Johnson was informed by the Commission staff that he would have to file documentation supporting the rate increase request and that it would have to be filed prior to the official noticing of

the July 15th hearing.

CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this Docket.

2. It is unlawful for any public utility to discontinue service without an Order of the Commission allowing such discontinuance.

ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 1227 11th Avenue, Helena, Montana, on the 2nd day of June, 1980, there being present a quorum of Commissioners, there came regularly before the Commission for action the matters and things in Docket No., and the Commission being advised in the premises;

IT IS ORDERED by the Commission that Wesley F. Johnson shall not terminate the service of the Martin City Water Company unless the Commission shall issue an Order to that effect.

IT IS FURTHER ORDERED that a public hearing on this Matter will be held at 7:30 p.m. July 15, 1980 in the Fire Hall, Martin City, Montana. The discontinuance of service by the Martin City Water Company will be considered at this hearing. Mr. Johnson's request for approval of a rate increase may be considered if he files documentation as requested by the Commission prior to June 15, 1980.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by first class mail to Wesly F. Johnson and to the Martin City Water users.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 2nd day of June, 1980, by vote of 5 to 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

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GORDON E. BOLLINGER, Chairman

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CLYDE JARVIS , Commissioner

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THOMAS J. SCHNEIDER, Commissioner

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GEORGE TURMAN, Commissioner

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JAMES R. SHEA, Commissioner

ATTEST:

Madeline L. Cottrill  
Secretary  
(SEAL)