

Service Date: January 27, 1981

FINAL ORDER NO. 4711a  
DEPARTMENT OF PUBLIC SERVICE REGULATION  
MONTANA PUBLIC SERVICE COMMISSION

In the Matter of the Application     ) UTILITY DIVISION  
of the TOWN OF BOULDER to Increase   ) DOCKET NO. 80.9.75  
Water Rates.                             ) ORDER NO.4711a

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APPEARANCES

FOR THE APPLICANT:

Allen LeMieux, Town Attorney, Boulder, Montana 59632.

FOR THE PROTESTANTS:

James C. Paine, Montana Consumer Counsel, 34 West 6th Avenue,  
Helena, Montana 59620.

FOR THE COMMISSION:

Robert F. W. Smith, Staff Attorney, 1227 11th Avenue, Helena,  
Montana 59620.

BEFORE:

CLYDE JARVIS, Commissioner & Hearing Examiner

The Examiner, having taken evidence and being fully advised  
in the premises, makes the following findings, conclusions  
and order:

FINDINGS OF FACT

1. On September 30, 1980 the TOWN OF BOULDER (Applicant)  
filed an application with this Commission for authority to  
increase its base water rates on a permanent basis by \$1.00  
per month for all consumers.

2. Concurrent with the filing of the permanent application  
for increased rates, the Town filed an application for an  
interim increase in the base rates of \$1.00 per month for all  
consumers, equalling a revenue increase of approximately  
\$6,300 or 100% of the proposed permanent increase.

The requested interim increase was granted on October 27,

1980, by Order No. 4711.

3. The town alleged the proposed interim increase in rates was necessary to offset increased costs of operation, and to replace the telemeter system which regulates the entire water system.

4. On December 11, 1980, the Commission held a public hearing on the proposed increase. The Town's case was represented by Ken Trettin, Town Clerk. Mr. Trettin described the current system and explained that the Town employs a Telemeter system to turn on its pumps when more water is needed. The receiver portion of this system is badly in need of replacement, at a cost of \$6,000. This, plus a small reserve fund, are the reasons the rate increase has been sought. The Commission finds these to be necessary and reasonable expenses.

5. From the Boulder citizenry, the following persons testified:

Vern Sutherland, newspaperman;  
John Franke, service station operator;  
Ted Rickey, service station operator;  
Barbara Sutherland, newspaperwoman;  
Bill Bollock, motel operator; and  
Ron Fuller, insurance man.

6. Almost universally, the public witnesses were concerned about the town's water rate structure. A discussion was had off the record on this issue, and it was decided that the Town Council should first consider this matter. All witnesses agreed that more money was needed by the Town Water Department.

7. At the close of the hearing, all parties signed a

Stipulation that a Proposed Order was not necessary in this case.

#### CONCLUSIONS OF LAW

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

2. The Commission gave all interested persons notice and an opportunity to participate in this matter.

3. The rates approved herein are reasonable and just.

4. Pursuant to MCA 2-4-622(2) and Stipulation made December 11, 1980, a Final Order may properly be issued in this Docket.

#### 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 26th day of January, 1981, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. 80.9.75, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of the Town of Boulder is APPROVED. The rates approved in Interim Order No. 4711 are hereby made permanent.

IT IS FURTHER ORDERED that a full, true and correct copy of

this order be sent forthwith to the Applicant and to all other appearances herein.

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 29th day of January, 1981, by vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

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GORDON E. BOLLINGER, Chairman

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JOHN B. DRISCOLL, Commissioner

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HOWARD L. ELLIS, Commissioner

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CLYDE JARVIS, Commissioner

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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 Re consideration 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.