

Service Date: May 11, 1982

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

* * * * *

IN THE MATTER of the Application of)	UTILITY DIVISION
the Town of Fairview to Increase)	DOCKET NO. 81.9.94
Sewer Rates and Implement a Sewer)	ORDER NO. 4891a
Hook-up Fee.)	

A proposed order in Docket No. 81.9.94 was issued with a service date of March 29, 1982, an exception to the proposed order was presented to the Commission within twenty days of the service date.

FINDINGS OF FACT

1. Mr. William C. Gable, a subscriber of the utility, filed an exception to Proposed Order No. 4891, issued by Chairman Gordon E. Bollinger on March 29, 1982. Mr. Gable presented an exception to the Commission allowing funds for the Town to build a new sewer cell. Mr. Gable in his exception cited Chapter 7-13-4207 (3), MCA, which states in part "Any surplus...shall not be used for the extension of a sewage system to serve unsewered areas or for any purpose other than one or more of those specified above."

2. It is Mr. Gable's contention that the construction of the new sewer cell is necessitated by the Town providing sewer service to formerly unsewered areas. This is not a fact previously put forth in this record. The facts put forth in the record indicate that the Town presently has a moratorium on new service connections and that they have received complaints from the North Dakota Township Board for discharging sewage into a drainage ditch. Given the facts in the record, the Commission can not determine any applicability of the statute cited by Mr. Gable.

CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.
2. The Commission afforded all interested parties an opportunity to participate in this proceeding.
3. The rates approved herein are just and reasonable.

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 10th day o' May, 1982, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. 81.9.94, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of the Town of Fairview, Montana is approved as ordered by Commissioner Gordon Bollinger, in his Proposed Order No. 4891, dated March 29, 1982.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by first class mail to the Applicant herein, and by first class United States mail 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, and incorporates Proposed Order No. 4891 by reference.

DONE IN OPEN SESSION at Helena, Montana, this 10th day of May, 1982 by a vote of 4-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

GORDON E. BOLLINGER, Chairman

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.