

Service Date November 2, 1983

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

IN THE MATTER of the Application ) UTILITY DIVISION  
of Butte Water Company for auth- ) DOCKET NO. 83.10.72  
ority to terminate service and ) ORDER NO. 5026  
abandon a portion of its Water )  
Transmission Line. )

FINDINGS OF FACT

1. On October 13, 1983, Butte Water Company (Applicant or BWC) filed an application with this Commission for authority to terminate service to one service connection and abandon approximately 21,300 feet of water transmission line along its "Big Hole Line No. 1."
2. The Applicant has requested authorization to abandon approximately 21,300 feet of its "Big Hole Line No. 1" because it has been a continual maintenance problem and continued use of this line is no longer warranted since construction of "Big Hole Lines No. 2 and 3" has been completed. "Big Hole Lines No. 2 and 3" are of sufficient size to provide adequate water supplies from the Big Hole source of supply, to the City of Butte, if abandonment of "Big Hole Line No. 1" is authorized.
3. The Applicant in conjunction with its request to abandon a portion of "Big Hole Line No. 1" has requested authorization to terminate service to one consumer. Mr. Harry Morris has the only service connection on that portion of "Big Hole Line No. 1" which is proposed to be abandoned. In a letter dated October 6, 1983, Mr. Morris

states he has developed his own water source and requests BWC discontinue his service. He also states, in his letter that he supports BWC's abandonment of approximately 17,700 feet of water transmission main located on his property.

4. Given the fact that the portion of "Big Hole Line No. 1" to be abandoned has been a continual maintenance problem and the construction of "Big Hole Lines No. 2 and 3" has been completed and are of sufficient size to provide adequate water supplies if the abandonment requested is allowed, the Commission finds that the Applicant's request to abandon approximately 21,300 feet of "Big Hole Line No. 1" should be authorized.

5. In view of Mr. Harry Morris' letter requesting discontinuance of service the Commission finds the Applicant should be authorized to terminate the service connection to his residence in conjunction with the abandonment of the water transmission line.

#### CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding. Title 69, Chapter 3, MCA.
2. The abandonment and termination of service allowed herein will not affect the utility's ability to provide adequate service or diminish necessary facilities. Section 69-3-201, MCA.

#### ORDER

THEREFORE, THE MONTANA PUBLIC SERVICE COMMISSION ORDERS THAT:

1. Butte Water Company is authorized to abandon the portion of "Big Hole Line No. 1" described in its application.
2. Butte Water Company is authorized to terminate service to the one consumer connected to the portion of "Big Hole Line No. 1" which is to be abandoned.
3. A full, true and correct copy of this Order will be sent to the Applicant and other interested parties.

DONE IN OPEN SESSION this 24th day of October, 1983 by a vote of 5 to 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

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THOMAS J. SCHNEIDER, 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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DANNY OBERG, Commissioner

ATTEST:

Madeline L. Cottrill  
Commission Secretary

(SEAL)

Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 28.2.4806, ARM.