

Service Date: March 4, 1986

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

IN THE MATTER Of The Application) UTILITY DIVISION
Of BUTTE WATER CCMPANY for Auth-) Docket No. 85.7.28
ority to Increase Rates and) ORDER NO. 5164a
Charges for Water Service to its)
Butte Montana customers.)

FINDINGS OF FACT

1. On July 17, 1985, Butte Water Company (Applicant or BWC) filed an application with this Commission for authority to increase water rates and charges for its Butte, Montana customers on a permanent basis by approximately 14.31%, for an annual revenue increase of approximately \$430,840.
2. On October 15, 1985, BWC filed an application for an interim rate increase of approximately 5.8%, for a revenue increase of approximately \$175,265, or 40.7% of the proposed permanent increase.
3. On November 19, 1985, after considering the data submitted in support of BWC's request for interim rate relief, this Commission issued Order No. 5164 denying the Applicant's request for interim rate relief.
4. On February 13, 1986, BWC through its attorney, filed a request with the Commission for authorization to withdraw its application for increased water rates and charges. The request states "...new rate increase applications will be filed ... for both Butte and Anaconda which will be different in several respects from the applications being withdrawn."

5. The Commission finds that BWC's request to withdraw its application for increased rates and charges should be granted.

CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties in this proceeding. Section 69-3 - 102, MCA.

2. Allowing the withdrawal of the application will not cause the imposition of rates which are unreasonable, unjust or improper. Section 69-3-303, MCA.

ORDER

NOW THEREFORE, IT IS ORDERED THAT:

1. Butte Water Company is authorized to withdraw the rate application filed with this Commission on July 17, 1985.

2. This Commission's Docket No. 85.7.28 is hereby CLOSED.

DONE IN OPEN SESSION at Helena, Montana, this 3rd day of March, 1986 by a vote of 5 to 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

CLYDE JARVIS, Chairman

HOWARD L. ELLIS, Commissioner

TOM MONAHAN, Commissioner

DANNY OBERG, Commissioner

JOHN B. DRISCOLL, Commissioner

ATTEST:

Trenna Scoffield
Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.