

Service Date: November 15, 2000

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

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IN THE MATTER of Doug and Marilyn Kelley dba ) TRANSPORTATION DIVISION  
M.D. & K Shuttle Libby, Montana, Application for a )  
Montana Intrastate Certificate of Public Convenience ) DOCKET T-00.113.PCN  
and Necessity. ) ORDER NO. 6496

**FINAL ORDER**

Background

1. On August 23, 2000, the Montana Public Service Commission (Commission) received an application from Doug and Marilyn Kelley dba M.D.&K Shuttle, Libby, Montana (Applicant) for a Certificate of Public Convenience and Necessity, authorizing:

Class B - Passengers between all points and places in Flathead and Lincoln County, Montana.

2. Protests to the application were received from Laura Smart dba Snappy Cab, Libby, Montana, First Class Limousine Service, Inc., Kalispell, Montana, and Randall Eugene Johnson dba Flathead Glacier Transportation Co., Whitefish, Montana.

3. Following receipt of protests the applicant amended its application to read:

Class B - Passengers between all points and places in Flathead and Lincoln County. Limitations (1). Transportation movements which are conducted exclusively in Libby, Montana and a thirty (30) mile radius thereof are prohibited. (2). Transportation movements which are conducted exclusively in Kalispell and a fifty (50) mile radius thereof are prohibited. (3). Transportation as a Limousine is prohibited.

Based on the amended wording in the proposed application all protests were withdrawn.

Discussion

1. Pursuant to Title 69, Chapter 12, Montana Code Annotated (MCA), the Commission supervises and regulates intrastate transportation of passengers . § 69-12-201, MCA. To obtain motor carrier operating authority, a motor carrier must file an application with the Commission,

which will give notice of the filing and schedule a hearing upon filing of a protest or a request for hearing. § 69-12-321, MCA.

#### Conclusions of Law

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and matters in this proceeding pursuant to Title 69, Chapter 12, Montana Code Annotated.
2. The Commission has provided adequate notice and opportunity to be heard to all interested parties in this matter pursuant to the Montana Administrative Procedures Act (MAPA) requirements for contested case procedures. §§ 2-4-601, et seq., MCA.
3. All protests to this docket were withdrawn based on the amended application filed by Doug and Marilyn Kelley dba M.D.& K Shuttle.

#### Order

NOW THEREFORE IT IS ORDERED that the application of Doug and Marilyn Kelley dba M.D.& K Shuttle, Libby, Montana for a Class B Certificate of Public Convenience and Necessity is granted as follows:

Class B – Passengers between all points and places in Flathead and Lincoln County. Limitations (1). Transportation movements which are conducted exclusively in Libby, Montana and a thirty (30) mile radius thereof are prohibited. (2). Transportation movements which are conducted exclusively in Kalispell and a fifty (50) mile radius thereof are prohibited. (3). Transportation as a Limousine is prohibited.

DONE AND DATED this 6th day of November, 2000.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

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DAVE FISHER, Chair

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NANCY MCCAFFREE, Vice Chair

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BOB ANDERSON, Commissioner

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GARY FELAND, Commissioner  
(voting to dissent)

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BOB ROWE, Commissioner

ATTEST:

Kathlene M. Anderson  
Commission 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.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Final Order issued in Docket T-00.113.PCN in the matter of Doug and Marilyn Kelley dba M.D. & K Shuttle, Libby, Montana, has today been sent to all parties listed.

MAILING DATE: November 15, 2000

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FOR THE COMMISSION

FIRST CLASS MAIL:

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dba M.D. & K. Shuttle  
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Libby, MT 59923

Randall Eugene Johnson  
dba Flathead Glacier Transportation  
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Whitefish, MT 59937

First Class Limousine Service, Inc.  
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AS ITS INTEREST MAY APPEAR:

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