

Service Date: January 24, 2002

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

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IN THE MATTER OF DONALD A. HURLEY,	)	TRANSPORTATION DIVISION
dba Arrive in Style, Billings, Montana,	)	
Application for a Montana Intrastate Certificate	)	DOCKET NO. T-01.22.PCN
of Public Convenience and Necessity	)	ORDER NO. 6509

FINAL ORDER DISMISSING APPLICATION

1. On July 27, 2001, Donald A. Hurley, dba Arrive in Style, Billings, Montana, holder of passenger motor carrier authority PSC No. 9396 (Sub A), filed before the Public Service Commission (PSC) an application to remove a passenger limitation from that authority. The limitation sought to be removed restricts transportation under the authority to five passengers or less per vehicle.

2. Arrive in Style's application to amend PSC No. 9396 (Sub A) is protested by other carriers. The protestants include Ron Kindsfather, dba Limo Scene Limousine Service, Billings, Montana, and Milam, Inc., dba A-Limo Limousine Co., Red Lodge, Montana.

3. On November 30, 2001, a public hearing on Arrive in Style's application was held in Billings, Montana. Arrive in Style appeared at hearing. The protestants appeared at hearing.

4. Following Arrive in Style's case in chief the protestants moved to dismiss the application for failure of Arrive in Style to establish the elements required for the application to be granted, primarily public need. The hearings examiner granted the motion, but allowed Hurley 10 days to file a brief (legal arguments) before the full PSC demonstrating why Arrive in Style's application should not be dismissed. Arrive in Style did not file a brief.

5. The PSC has considered the matter and determines the application of Arrive in Style was properly dismissed by the hearings examiner. The PSC affirms the hearings

examiner's action. Before the PSC can grant an authority (or an amendment to an authority) the evidence must demonstrate there is a public need for the authority, existing carriers cannot meet that public need, the grant will not harm the operations of existing transportation services contrary to the public interest, and the applicant is fit, willing, and able to provide the service. *See, e.g., In the Matter of Big Z, Inc., PSC Docket No. T-9511, paras. 81-85, Order No. 6019a, September 20, 1991.* Arrive in Style did not present witnesses establishing a public need or that existing carriers cannot meet that need.

IT IS HEREBY ORDERED the application of Donald A. Hurley, dba Arrive in Style, Billings, Montana, to amend PSC No. 9396 (Sub A) is DISMISSED.

Done and dated this 8th day of January, 2002, by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

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GARY FELAND, Chairman

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JAY STOVALL, Vice Chairman

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BOB ANDERSON, Commissioner

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MATT BRAINARD, Commissioner

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BOB ROWE, Commissioner

ATTEST:

Rhonda J. Simmons  
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 Dismissing Application, issued in Docket T-01.22.PCN, in the matter of Donald A. Hurley dba Arrive In Style, Billings, Montana, has today been sent to all parties listed.

MAILING DATE: January 24, 2002

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FOR THE COMMISSION

FIRST CLASS MAIL

Donald A. Hurley  
dba Arrive In Style  
2811 Highway 87 N  
Billings, MT 59105

Ron Kindsfather  
dba Limo Scene Limousine Service  
1509 Rosebud Lane  
Billings, MT 59101

Milam, Inc.  
dba A-Limo Limousine Co.  
Painter Route  
Cody WY 82414

AS ITS INTERESTS MAY APPEAR:

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