

FINAL ORDER NO. 6555

DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION
P.O. Box 202601
Helena, Montana 59620-2601

IN THE MATTER OF **Kenneth W. Griffith dba**)
Ken Griffith Excavating, Baker, Montana,) Docket No. T-04.53.PCN
Application for a Montana Intrastate Certificate of) Final Order No. 6555
Public Convenience and Necessity.)

The Commission, being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On August 5, 2004, **Kenneth W. Griffith dba Ken Griffith Excavating**, Baker, Montana, filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity authorizing transportation of the following:

Class D – Garbage from all points and places in Powder River County, Montana. Carrier is allowed to transport authorized commodities to certified landfills from territory authorized.

2. In accordance with Section 69-23-321, MCA, this matter was noticed to the public September 8, 2004. That notice said in pertinent part:

If no written protests are received by September 27, 2004, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.

The application included affidavits of support.

3. Protest was filed Waste Connections of Montana, Inc., Miles City, Montana.
4. The protest was withdrawn after the Applicant restrictively amended the application. The amendments are incorporated into the Order granting authority herein.
5. The record of this application is available for inspection at the Public Service Commission Office, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana 59620-2601.

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 parties interested in this proceeding proper notice and an opportunity to participate.
3. Public Convenience and Necessity require a grant of the authority sought by the Applicant.

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 1701 Prospect Avenue, Helena, Montana, on Thursday, the 14th day of October, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-04.53.PCN, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of **Kenneth W. Griffith dba Ken Griffith Excavating**, Baker, Montana, for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

Class D – Garbage from the Powder River County Transfer Station to certified landfills.

IT IS FURTHER ORDERED that a full, true, and correct copy of this order be sent forthwith by first class mail to the applicant and all parties herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 14th day of October, by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

BOB ROWE, Chairman

THOMAS J. SCHNEIDER, Vice Chairman

MATT BRAINARD, Commissioner

GREG JERGESON, Commissioner

JAY STOVALL, Commissioner

ATTEST:

Connie Jones
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-04.53.PCN in the matter of **Kenneth W. Griffith dba Ken Griffith Excavating**, Baker, Montana has today been sent to all parties listed.

MAILING DATE: October 26, 2004

FOR THE COMMISSION

FIRST CLASS MAIL

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AS ITS INTERESTS MAY APPEAR:

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