

Service Date: August 12, 1995

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

* * * * *

IN THE MATTER of the Application)	TRANSPORTATION DIVISION
of JOHN M. THOMPSON, Hardin,)	
Montana, for a Class C Certificate)	DOCKET NO. T-8747
of Public Convenience and)	
Necessity.)	ORDER NO. 5623

* * * * *

FINAL ORDER

* * * * *

APPEARANCES

FOR THE APPLICANT:

Hugh Sweeney, P.O. Box 2175, Billings, Montana 59103, appearing on behalf of the Applicant

FOR THE PROTESTANTS:

Jerome Anderson, Anderson, Brown, Gerbase, Cebull & Jones, P.C., P.O. Drawer 849, Billings, Montana 59103-0849, appearing on behalf of the Protestant Dixon Bros., Inc.

John H. Grant, Jackson, Murdo & Grant, P.C., 203 North Ewing Street, Helena, Montana 59601, appearing on behalf of Protestants Big Horn Transportation Company, Dick Irvin, Inc., and Suhr Transport

FOR THE COMMISSION:

Timothy R. Baker, Staff Attorney, 2701 Prospect Avenue, Helena, Montana 59620

BEFORE:

TOM MONAHAN, Commissioner and Hearing Examiner

BACKGROUND

1. On April 4, 1985, John M. Thompson, 124 North Center, Hardin, Montana 59034 filed an application with the Montana Public Service Commission under Title 69, Chapter 12, MCA, for a Certificate of Public Convenience and Necessity authorizing the transportation of Portland Cement, Class C, from Montana City, Montana to all points and places in Big Horn County, Montana.

2. In accordance with Section 69-12-321, MCA, as amended, this matter was noticed to the public on May 2, 1985. Protests were filed and the docket was subsequently scheduled for a public hearing which was held July 30, 1985 in the Big Horn County Courthouse, Hardin, Montana.

3. At the commencement of the public hearing, Applicant sought to amend its application as follows: Applicant proposed to operate as a Class C carrier transporting Portland Cement from Montana City, Montana, to Hardin, Montana, and points and places located within five miles of Hardin, Montana, and Lodge Grass, Montana, and points and places within five miles of Lodge Grass, Montana, restricted to service to be provided to and with continuing contracts with Melville Ready Mix, Hardin, Montana, and Koebbe Construction Company, Hardin, Montana. The Applicant's amendment was accepted as proposed.

4. Upon the acceptance of the Applicant's restrictive amendment, at the hearing, the Protestants withdrew their protests to the application.

5. The record of this application is available for inspection at the Public Service Commission Office, 2701 Prospect Avenue, Helena, Montana 59620.

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 to be 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 2701 Prospect Avenue, Helena, Montana, on the 12th day of August 1985, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket T-8747, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of JOHN M. THOMPSON, Hardin, Montana for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

Class C: Portland Cement from Montana City, Montana, to Hardin, Montana, and points and places located within five miles of Hardin, Montana, and Lodge Grass, Montana, and points and places within five miles of Lodge Grass, Montana. Limitations: Transportation is restricted to the accounts of Melville Ready Mix, Hardin, Montana and Koebbe Construction Company, Hardin, Montana.

IT IS FURTHER ORDERED that the Applicant, must, within thirty (30) days of the mailing of the notice of the rights hereunder granted, comply with all rules and regulations of the Montana Public Service Commission.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by certified mail to the Applicant herein.

DONE IN OPEN SESSION by the Department of Public Service Regulation of the State of Montana, Public Service Commission, at Helena, Montana, this 12th day of August 1985 by a vote of 5 to 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

CLYDE JARVIS, Chairman

JOHN B. DRISCOLL, Commissioner

HOWARD L. ELLIS, Commissioner

TOM MONAHAN, Commissioner

DANNY OBERG, 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.