

Service Date: February 18, 1986

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

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IN THE MATTER of the Application) TRANSPORTATION DIVISION
of Marc W. Johnson, Ronan, Montana)
for a Class D Certificate of) DOCKET NO. T-8773
Public Convenience and Necessity.) ORDER NO. 5664a

ORDER ON MOTION TO RECONSIDER

1. On January 21, 1986, the Commission issued Final Order No. 5664 in this Docket, granting Applicant's request for amended authority. See Order No. 5664.

2. Browning Ferris Industries (BFI) appeared as a protestant in this Docket, and filed a timely motion to reconsider portions of Order No. 5664.

3. BFI states that "(T)here was no showing by the applicant that granting the applicant authority farther south than the southerly base of Evaro Hill will serve a useful public service, responsive to public demand or need." The Commission agrees, and will limit the expansion of Applicant's authority accordingly.

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, MCA.

2. The Commission has provided adequate notice and opportunity to be heard to all interested parties in this matter.

3. Following hearing on the application the Commission concludes that public convenience and necessity require a partial grant of the application for amended authority.

ORDER

NOW THEREFORE IT IS ORDERED that the authority granted by Order No. 5664 be revised to read as follows:

Class D - Ashes, trash, waste, refuse, rubbish, garbage, organic and inorganic matter within the town of Roman, Montana, and between all points and places within a fifty (50) mile radius thereof. Limitations: Transportation is prohibited within a three and one half mile (3.5 mile) radius of the junction of U.S. Highway 90 and U.S. Highway 93 (approximately 3.5 miles south of Evaro hill), with the EXCEPTION of movements which originate in that area and terminate in Ronan, Montana or originate in Ronan and terminate in the 3.5 mile radius area.

IT IS FURTHER ORDERED that Applicant's current Certificate of Public Convenience and Necessity PSC No. 1448 be returned to this office for cancellation in lieu of this amended grant of authority.

IT IS FURTHER ORDERED that the Applicant must, within thirty (30) days of the mailing of the notice of the rights herein granted

comply with all rules and regulations of the Montana Public Service Commission.

Done and Dated this 18th day of February, 1986 by a vote of 3
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BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

HOWARD L. ELLIS, Commissioner
& Presiding Officer

JOHN B. DRISCOLL, Commissioner

TOM MONAHAN, Commissioner

ATTEST:

Trenna Scoffield
Commission Secretary

(SEAL)

NOTE: You may be entitled to judicial review in this matter. Judicial review may be obtained by filing a petition for review within thirty (30) days of the service of this order. Section 2-4-702, MCA.