

Service Date: December 16, 1985

FINAL ORDER NO. 5659

DEPARTMENT OF PUBLIC SERVICE REGULATION  
MONTANA PUBLIC SERVICE COMMISSION

In the Matter of the Application of ) DOCKET NO. T-8794  
John Barnicoat d/b/a Boulder Montana )  
Tour and Taxi, Boulder, Montana ) ORDER NO. 5659  
for a Certificate of Public Conven- )  
ience and Necessity. )

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

FINDINGS OF FACT

1. On July 24, 1985, John Barnicoat d/b/a Boulder Montana Tour and Taxi, filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity authorizing the transportation of passengers, Class B, between all points and places in the following counties: Jefferson, Silver Bow, Madison and Lewis and Clark.

2. In accordance with Section 69-23-321, MCA, as amended, this matter was noticed to the public August 5, 1985. That notice said in pertinent part:

If no written protests are received by August 26, 1985, 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. Protests were filed by Bernard Harrington d/b/a City Taxi, Butte, Montana and Karst Stages, Inc., Bozeman, Montana. They were subsequently withdrawn by Applicant restrictively amending his application.

4. 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 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 16th day of December 1985, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-8794, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of John Barnicoat d/b/a Boulder Montana Tour & Taxi, Boulder, Montana for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent: Class B: Passengers between all points and places in Jefferson, Silver Bow, Madison and Lewis and Clark County with the following limitations: 1) Transportation is limited to seven (7) passengers or less per vehicle; 2) Transportation as a taxi service within the city limits of Butte, Montana is prohibited.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by certified mail to the Applicant 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 16th of December, 1985 by a vote of 5- 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

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CLYDE JARVIS, Chairman

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JOHN B. DRISCOLL, Commissioner

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HOWARD L. ELLIS, Commissioner

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TOM MONAHAN, Commissioner

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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.