

Service Date: November 25, 1985

FINAL ORDER NO. 5652

DEPARTMENT OF PUBLIC SERVICE REGULATION  
MONTANA PUBLIC SERVICE COMMISSION

In the Matter of the Application of ) DOCKET NO. T-8803  
B & B Blasting, Inc., Colstrip, )  
Montana for a Certificate of Public ) ORDER NO. 5652  
Convenience 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 August 23, 1985, B&B Blasting, Inc., P.O. Box 26, Colstrip, Montana 59323, 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 coal, Class C, within the town of Colstrip, Montana and between points and places within a ten (10) mile radius thereof.

2. In accordance with Section 69-23-321, MCA, as amended, this matter was noticed to the public September 4, 1985. That notice said in pertinent part:

If no written protests are received by September 24, 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 Big Horn Transportation, Billings, Montana and Prince, Inc., Forsyth, Montana. Docket T-8803 was noticed for public hearing September 23, 1985. The scheduled public hearing was continued by request of the Applicant. Subsequently, Applicant restrictively amended his application and Protestants withdrew their opposition to the docket.

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 25th day of November, 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-8803, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of B&B Blasting, Inc., P.O. Box 26, Colstrip, Montana 59323 for a Certificate of Pulic Convenience and Necessity IS GRANTED to the following extent:

CLASS C: Coal within the town of Colstrip, Montana and between points and places within a ten (10) mile radius thereof. LIMITATIONS: 1) Transportation is confined to service to and from the schools contained within the school district located in Colstrip, Montana. 2) Transportation service conducted hereunder is restricted to the utilization of a vehicle carrying 12 ton or less.

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 25th of November, 1985, by a vote of  
5 - 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.