

Service Date: October 6, 1986

FINAL ORDER NO. 5748

DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION

In the Matter of the Application of) DOCKET NO. T-8919
W.R. & Verna S. Cleverley, Dillon, MT)
for a Certificate of Public Conven-) ORDER NO. 5748
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 April 25, 1986, W.R. and Verna S. Cleverley, 1775 Hiway 41, Dillon, Montana 59725, 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 sacked or bulk fertilizer and liquid fertilizer, Class C. from points in Teton, Broadwater, and Chouteau Counties to points in Beaverhead, Madison, Jefferson and Silver Bow Counties. Limitations: Transportation shall be limited to the account of Co-op Supply, Inc., Dillon, Montana, only.

2. In accordance with Section 69-23-321, MCA, as amended, this matter was noticed to the public May 6, 1986. That notice said in pertinent part:

If no written protests are received by May 26, 1986, 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 Company, Billings, Montana and Dixon Bros., Inc., Newcastle, Wyoming. The protests were subsequently withdrawn.

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 5th day of October, 1986, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-8919, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of W.R. & VERNA S. CLEVERLEY, Dillon, Montana for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent: Class C - Sacked or bulk fertilizer and liquid fertilizer from points in Teton, Broadwater and Chouteau Counties to points in Beaverhead, Madison, Jefferson and Silver Bow Counties. Limitations: Transportation is restricted to the account of Coop Supply, Inc., Dillon, Montana.

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 5th of October, 1986, by a vote of 5- 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

CLYDE JARVIS, Chairman

JOHN DRISCOLL, Commissioner

HOWARD ELLIS, Commissioner

TOM MONAHAN, Commissioner

DAN OBERG, Commissioner

ATTEST:

Ann Purcell
Acting 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.