Service Date: July 7, 1987

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

In the Matter of the Application of THEODORE & JEANNINE FOOS DBA CITY CAB, Billings, Montana for a Class B Certificate of Public Convenience and Necessity.	)))))	TRANSPORTATION DIVISION DOCKET NO. T-9043 ORDER NO. 5782

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DEFAULT ORDER

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APPEARANCES

FOR THE APPLICANT:

George Radovich, Radovich Law Firm, 926 Main, Billings, Montana 59101

FOR THE PROTESTANT:

Kevin C. Sweeney, Central Plaza, 2075 Central Avenue, Billings, Montana 59101, appearing on behalf of Billings Yellow Cab Co., Inc.

FOR THE COMMISSION:

Robert A. Nelson, Commission Counsel, 2701 Prospect Avenue, Helena, Montana 59620-2601

BEFORE:

TOM MONAHAN, Commissioner & Hearing Examiner

BACKGROUND

On January 22, 1987, the Commission received an application from Theodore and Jeannine Foos, d/b/a City Cab, 2713 1st Avenue North, Billings, Montana 59101 (City Cab, or Applicant). The application, as subsequently amended, requests a Certificate of Public Convenience and Necessity, Class B, authorizing the transportation of 1) Audit media, accounting media, and business records; 2) Legal documents and abstracts; 3) Prescription drugs; 4) Prescription medical equipment; 5) X-rays; 6) Prepared foods; 7) Sacked and boxed groceries; 8) Flowers and plants; between points and places within Billings, Montana, and a ten (10) mile radius thereof. Limitation: No parcel shall exceed fifty (50) pounds in weight and no shipment shall be in bulk.

Several formal protests were received.

Following issuance of notice, the Commission conducted a public hearing to consider the application on May 28, 1987, in the Parmly Library, Billings, Montana.

Billings Yellow Cab Co., Inc., was the only protestant which had not withdrawn prior to the hearing.

On May 28, 1987, shortly after conclusion of the public hearing, Yellow Cab withdrew its protest, leaving this application uncontested.

CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding. Title 69, Chapter 12, MCA.

2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.

3. The application is not contested, and the Commission may issue a default order. Section 2-4-603(1), MCA.

4. 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 6th day of July, 1987, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-9043, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of Theodore & Jeannine Foos dba City Cab for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent: Class B, authorizing the transportation of 1) Audit media, accounting media, and business records; 2) Legal documents and abstracts; 3) Prescription drugs; 4) Prescription medical equipment; 5) X-rays; 6) Prepared foods; 7) Sacked and boxed

groceries; 8) Flowers and plants; between points and places within Billings, Montana, and a ten (10) mile radius thereof. Limitation: No parcel shall exceed fifty (50) pounds in weight and no shipment shall be in bulk.

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 6th of July, 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:

Ann Purcell
Acting Secretary

(SEAL)

NOTE: Any interested party may request that the Commission reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.