

Service Date: February 1, 1988

FINAL ORDER NO. 5830

DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION

In the Matter of the Application of) DOCKET NO. T-9156
W. RODGER FULTZ, Fort Benton, Montana)
for a Certificate of Public Conven-) ORDER NO. 5830
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 December 1, 1987, W. Rodger Fultz, Box 14, Fort Benton, Montana 59442, filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity proposing to expand his current operating authority, Montana Intrastate Certificate, PSC No. 8956 which authorizes the following:

Class C: Bulk liquid fertilizer and its liquid ingredients between all points and places in the following counties: Chouteau, Fergus, Judith Basin, Teton and Pondera. Limitations: All shipments must originate or terminate at Nutra Grow of Denton or Agri-Basics of Geraldine.

With this application, Applicant proposes to expand the area and accounts to be served as follows:

Class C: Bulk liquid fertilizer and its liquid ingredients between all points and places in the following counties: Chouteau, Fergus, Judith Basin, Teton, Pondera, Blaine, Cascade, Hill, Liberty and Meagher. Limitations: All shipments must originate or terminate at Nutra Grow of Denton, Agri-Basics of Geraldine or Ag-Wise of Kremlin, Montana.

2. In accordance with Section 69-23-321, MCA, as amended, this matter was noticed to the public January 6, 1988. That notice said in pertinent part:

If no written protests are received by January 26, 1988, 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. No protests or responses of any kind were received.

4. The record of this application is available for inspection at the Public Service Commission Office, 2701 Prospect Avenue, Helena, Montana 59620-2601.

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 1st day of February, 1988, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-9156, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of W. RODGER FULTZ, Fort Benton, Montana for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent: Class C: Bulk liquid fertilizer and its liquid ingredients between all points and places in the following counties: Chouteau, Fergus, Judith Basin, Teton, Pondera, Blaine, Cascade, Hill, Liberty and Meagher. Limitations: All shipments must originate or terminate at Nutra Grow of Denton, Agri-Basics of Geraldine or Ag-Wise of Kremlin, Montana.

IT IS FURTHER ORDERED that Montana Intrastate Certificate PSC 8956, issued October 5, 1987, to W. Rodger Fultz dba Fultz Farms be returned to

the Commission Offices for cancellation in lieu of this newly granted expanded authority.

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 1st day of February, 1988, by a vote of 5 - 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

JOHN DRISCOLL, Commissioner

HOWARD ELLIS, Commissioner

CLYDE JARVIS, Commissioner

TOM MONAHAN, Commissioner

DANNY OBERG, Commissioner

ATTEST:

Ann Purcell
Commission 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.