

Service Date: May 2, 1988

FINAL ORDER NO. 5845

DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION

In the Matter of the Application of)	DOCKET NO. T-9179
WEST'S BEST FREIGHT SYSTEM, INC. DBA)	
WEST'S BEST, Missoula, Montana for a)	
Certificate of Public Convenience and)	ORDER NO. 5845
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 January 21, 1988, West's Best Freight System, Inc. dba West's Best, P.O. Box 4027, Missoula, Montana 59806, 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 items dealt in by wholesale and retail grocery outlets, Class B, between all points and places in the State of Montana.

2. In accordance with Section 69-23-321, MCA, as amended, this matter was noticed to the public February 4, 1988. That notice said in pertinent part:

If no written protests are received by February 24, 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. Protests or responses were filed by Montana Carriers, Inc., H.F. Johnson, Inc., Watkins and Shepard, Trucking, Inc., Molerway Freight Lines, Inc., and Edson Express, Inc. On

March 25, 1988, the Commission issued Notice of Public Hearing for Docket T-9179.

Subsequent to that

notice, Applicant restrictively amended the application and all protests were withdrawn.

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 2nd day of May, 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-9179, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of WEST'S BEST FREIGHT SYSTEM, INC. DBA WEST'S BEST, Missoula, Montana, for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

Class C - Between all points and places in Montana transporting:

(1) Soap and soap products, candy, confectionery, dairy products, beverages, foodstuffs, paper and paper products, household utensils, cleaning, scouring or washing compounds;

(2) Compounds; tree killing, weed killing, herbicide, fungicide, fertilizing, rust preventing (must be in packages);

(3) Drugs and toilet preparations, surgical supplies, bandages (must be in packages).

Limitations:

(a) Transportation services must be in minimum 30,000 lbs. truckload lots, with no multiple pickup or delivery.

(b) Transportation of alcoholic beverages (except extracts used for food seasoning and medicines) and United States Department of Agriculture (U.S.D.A.) products is prohibited.

(c) Transportation services are limited to the accounts of (1) Super Value Stores, Inc., Ryan's Division; (2) Skaggs Alpha Beta Inc., Buttreys Food Stores Division; (3) Coca Cola Bottling Company.

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 2nd day of May, 1988, by a vote of 5 - 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

CLYDE JARVIS, Chairman

HOWARD L. ELLIS, Vice Chairman

JOHN B. DRISCOLL, Commissioner

DANNY OBERG, Commissioner

TOM MONAHAN, Commissioner

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ATTEST:

Carol A. Frasier, 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.