

FINAL ORDER NO. 5854

DEPARTMENT OF PUBLIC SERVICE REGULATION  
MONTANA PUBLIC SERVICE COMMISSION

\* \* \* \* \*

In the Matter of the Application )	
of Burlington Northern Railroad )	DOCKET NO. T-9229
Company to remove the Stock Track)	
at Wagner, Montana. )	ORDER NO. 5854

\* \* \* \* \*

By application filed March 29, 1988, Burlington Northern Railroad Company, 2718 Montana Avenue, Billings, Montana 59101 filed application pursuant to 69-14-313 (2), MCA, to remove the Stock Track in Wagner, Montana.

Applicant states that public convenience and necessity no longer require maintenance of the trackage which has not been used in the past four years and that the last shipper is no longer in operation.

BNRC states that the trackage is not now needed by any industry and there is no present potential for future need.

Notice of the proposed removal was given to the Montana Consumer Counsel and the public on May 5, 1988.

Final date for protests was June 5, 1988. No protests were received within such time, or at all in this matter.

CONCLUSION OF LAW

1. The Montana Public Service Commission properly exercises

jurisdiction over the parties and the matters in this proceeding pursuant to Title 69, Chapter 14, MCA.

2. The Commission has provided adequate notice and opportunity to be heard to all interested parties in this matter pursuant to Section 69-14-813, MCA.

3. The Commission has determined that no public hearing is necessary and that public convenience and necessity do not require the continued maintenance of the Stock Track at Wagner, Montana.

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 13th day of June, 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-9229 and the Commission being fully advised in the premises;

IT IS ORDERED THAT Burlington Northern Railroad Company may remove the Stock Track at Wagner, Montana, provided that the Burlington Northern Railroad Company will assure the Commission that all revenues derived from the renting, leasing or sale of all property relating to the trackage will be entered as Burlington Northern Railroad Company revenue on all financial data through a statement to the Commission indicating the revenue account number that such revenues shall be entered into and through the filing of the rental or lease agreement or the sale contract with the Commission as soon as such agreement or contract is completed.

IT IS FURTHER ORDERED that this Order be effective immediately.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be mailed forthwith to the Petitioner and all parties of record.

DOCKET NO. T-9229,  
3

ORDER NO. 5854

DONE IN OPEN SESSION this 13th day of June, 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

ATTEST:

DOCKET NO. T-9229,

ORDER NO. 5854

4

Carol 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.