

Service Date: September 12, 1988

FINAL ORDER NO. 5878

DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION

In the Matter of the Application of) DOCKET NO. T-9282
CLIFFORD WAYNE BUHLER DBA WAYNE BUHLER)
TRUCKING, Darby, Montana)
for a Certificate of Public Conven-) ORDER NO. 5878
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 July 15, 1988, Clifford Wayne Buhler dba Wayne Buhler Trucking, 1313 C Old Darby Road, Darby, Montana 59829, filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity to amend the limitations on his present operating authority, PSC 3324. Applicant now holds the following authority under PSC 3324:

CLASS C- Lumber (1) between Connor, Montana, and Darby, Montana, via U.S. Highway 93; and (2) between Darby, Montana, and Missoula, Montana, via U.S. Highway 93.
LIMITATIONS: Service is limited to S & W Sawmill, Inc., only.

The applicant proposes to amend the limitations to read:

CLASS C - Lumber (1) between Connor, Montana, and Darby, Montana, via U.S. Highway 93; and (2) between Darby, Montana, and Missoula, Montana, via U.S. Highway 93.

LIMITATIONS: Service is limited to Darby Lumber, Inc. and/or its successors in interest.

2. In accordance with Section 69-23-321, MCA, as amended, this matter was noticed to the public August 5, 1988. That notice said in pertinent part:

If no written protests are received by August 25, 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 12th day of September, 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-9282, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of CLIFFORD WAYNE BUHLER DBA WAYNE BUHLER TRUCKING, Darby, Montana to amend Certificate of Public Convenience and Necessity PSC 3324 IS GRANTED to the following extent: CLASS C - Lumber (1) between Connor, Montana, and Darby, Montana, via U.S. Highway 93; and (2) between Darby, Montana, and Missoula, Montana, via U.S. Highway 93. LIMITATIONS: Service is limited to Darby Lumber, Inc. and/or its successors in interest.

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 12th day of September, 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:

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.