

Service Date: September 26, 1988

FINAL ORDER NO. 5883

DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION

In the Matter of the Application of)	DOCKET NO. T-9287
ROBERT A. PANKRATZ DBA CAPITAL DELIVERY)	
SERVICE, Helena, Montana for a Montana)	
Intrastate Certificate of Public)	ORDER NO. 5883
Convenience 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 25, 1988, Robert A. Pankratz dba Capital Delivery Service, 5 West 15th Street, Helena, Montana, 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 mining equipment and supplies, Class C, between points and places within the following counties: Broadwater, Jefferson, Lewis & Clark, Meagher and Powell. Limitations: Transportation must originate or terminate at mine sites.

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. Protests were filed by Molerway Freight Lines, Inc., Billings, Montana, H.F. Johnson, Inc., Billings, Montana, and Getter Trucking, Inc., Billings, Montana. Subsequently Applicant restrictively amended his application and all protests were then withdrawn.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 26th 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-9287, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of ROBERT A. PANKRATZ DBA CAPITAL DELIVERY SERVICE, Helena, Montana for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent: Class C - Mining equipment and supplies between points and places within the following counties: Broadwater, Jefferson, Lewis & Clark, Meagher and Powell. Limitations: 1) Transportation must originate or terminate at mine sites owned by Pegasus Gold, Pangea Mining, Western Energy, Gold Fields, and F.M.C. or their successors in interest. 2) Transportation service is limited to shipments of one hundred pounds or less per item.

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 26th 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.