

Service Date: June 9, 1994

FINAL ORDER NO. 6306  
DEPARTMENT OF PUBLIC SERVICE REGULATION  
MONTANA PUBLIC SERVICE COMMISSION  
1701 Prospect Avenue, P.O. Box 202601  
Helena, Montana 59620-2601

IN THE MATTER OF **Diversified** )  
**Transfer & Storage, Inc. dba DTS,** )  
Billings, Montana the application ) Docket No. T-93.176.PCN  
for a Montana Intrastate Certificate ) Order No. 6306  
of Public 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 December 22, 1993, Diversified Transfer & Storage, Inc. dba DTS, P.O. Box 2552, Billings, Montana 59103-2552, filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity authorizing transportation of the following:

Class B - General commodities (except petroleum products in bulk) between points in Yellowstone County, Montana, on the one hand, and on the other hand, 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 January 10, 1994. That notice said in pertinent part:

If no written protests are received by January 30, 1994, 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; Bob's Pickup and Delivery, Inc., Sidney, Montana; Cornelis Quist dba Merchants

Delivery, Hamilton, Montana; Whitewood Transportation, Inc., Billings, Montana; Dixon Bros., Inc., Newcastle, Wyoming; TNT United Truck Lines, Inc., Spokane, Washington; James T. & Gayle L. Hanson, Twin Bridges, Montana; L.L. Smith Trucking, Inc., Riverton, Wyoming; Suhr Transport, Great Falls, Montana; Bill H. and Denise B. Severns dba Ravalli Motor Freight, Corvallis, Montana; Hi-Ball Trucking, Inc., Billings, Montana; John Rusinski dba Andy's Motor Freight, Anaconda, Montana; Prince, Inc., Forsyth, Montana; Transystems, Inc., Black Eagle, Montana; Security Armored Express, Inc., Helena, Montana; Robert F. Olsen dba Fortman Truck Line, Hamilton Montana; Dick Irvin, Inc., Shelby, Montana; Black Hills Trucking, Inc., Casper, Wyoming; and Walter Mark Boka dba Boka Freightlines, Dillon, Montana.

3. Applicant filed restrictive amendments to the application on February 10, 1994, March 24, 1994, March 31, 1994, and May 3, 1994. By final amendment, Applicant restricted the proposed service to the following:

Class C - Food products between points in Yellowstone County, on the one hand, and, on the other, all points and places in the State of Montana.

Limitations: 1) Trucking services are limited to those provided by refrigerated equipment. 2) Transportation of commodities in bulk is prohibited. 3) No transportation service on any load originating or terminating in Yellowstone County to or from Rosebud, Custer, Powder River, Treasure, Big Horn, Carter, Fallon, Wibaux, Yellowstone, Prairie, and Dawson Counties, Montana, and the municipalities of Red Lodge and Bridger, Montana. 4) All transportation services between Billings and Helena, Montana, serving the off-route points of Acton, Broadview, Lavina, Ryegate, Shawmut, Harlowton, Two Dot, Martinsdale, Checkerboard, White Sulphur Springs, Townsend, and East Helena, Montana, must be shipments of more than one hundred (100) pounds. 5) Transportation services are limited to the following accounts and/or their successors-in-interest: (a) M H Products, Inc. dba Mountain Harvest (Billings, MT); (b) Oil Dri Corp (Chicago, IL); (c) Holsum Foods/Gregg Foods Division (Portland, OR); (d) Heller Seasonings & Ingredients, Inc. (Bedford Park, IL); (e) Canbra Foods (Lethbridge, Alberta, Canada); (f) Sweetheart Bakeries (Billings, MT).

All protests to the docket have been withdrawn.

4. Notice of Public Hearing was issued March 9, 1994, with hearing scheduled for April 5, 1994, in Helena, Montana. The hearing was continued at the request of the Applicant.

5. The record of this application is available for inspection at the Public Service Commission Office, 1701 Prospect Avenue, P.O. Box 202601, 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 requires 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 1701 Prospect Avenue, Helena, Montana, on the 31st day of May, 1994, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-93.176.PCN, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of **Diversified Transfer & Storage, Inc. dba DTS, Billings, Montana** for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

**Class C - Food products between points in Yellowstone County, on the one hand, and, on the other, all points and places in the State of Montana.**

**Limitations: 1) Trucking services are limited to those provided by refrigerated equipment. 2) Transportation of commodities in bulk is prohibited. 3) No Transportation service on any load originating or terminating in Yellowstone County to or from Rosebud, Custer, Powder River, Treasure, Big Horn, Carter, Fallon, Wibaux, Yellowstone, Prairie, and Dawson Counties, Montana, and the municipalities of Red Lodge and Bridger, Montana. 4) All transportation services between Billings and Helena, Montana, serving the off-route points of Acton, Broadview, Lavina, Ryegate, Shawmut, Harlowton, Two Dot, Martinsdale, Checkerboard, White Sulphur Springs, Townsend, and East Helena, Montana, must be shipments of more than one hundred (100) pounds. 5) Transportation services are limited to the following accounts and/or their successors-in-interest: (a) M H Products, Inc. dba Mountain Harvest (Billings, MT); (b) Oil Dri Corp (Chicago, IL); (c) Holsum Foods/Gregg Foods Division (Portland, OR); (d) Heller Seasonings & Ingredients, Inc. (Bedford Park, IL); (e) Canbra Foods (Lethbridge, Alberta, Canada); (f) Sweetheart Bakeries (Billings, MT).**

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by first class mail to the applicant and all parties 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 31st day of May, 1994, by a vote of 4 - 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

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BOB ANDERSON, Chairman

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BOB ROWE, Vice Chairman

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DAVE FISHER, Commissioner

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NANCY McCaffree, Commissioner

ATTEST:

Kathlene M. Anderson  
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.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Findings of Fact issued in Docket No. T-93.176.PCN in the matter of Diversified Transfer & Storage, Inc. dba DTS (Billings, Montana) has today been sent to all parties listed.

MAILING DATE: June 9, 1994

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FOR THE COMMISSION

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Dixon Bros., Inc.  
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AS ITS INTERESTS MAY APPEAR:

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