

Service Date: May 24, 1993

DEPARTMENT OF PUBLIC SERVICE REGULATION  
BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MONTANA

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IN THE MATTER OF GROUSE MOUNTAIN	)	TRANSPORTATION DIVISION
ASSOCIATES, LTD., dba GROUSE	)	
MOUNTAIN LODGE, Petition for	)	DOCKET NO. T-93.33.DR
Declaratory Ruling on the	)	
Application of Motor Carrier Laws	)	
to the Transportation of Hotel	)	ORDER NO. 6193a
Guests.	)	

ORDER GRANTING MOTION TO VACATE ORDER TO DEFER

On May 3, 1993, the Montana Public Service Commission (PSC) issued an Order Granting Motion to Defer and Establishing Automatic Dismissal. The request for that Order was made by Randall Johnson, dba Flathead Glacier Transportation and Whitefish Sober Chauffer Taxi, Inc. (Johnson), primarily on the basis that a pending court action involved a similar issue. The Order was issued after April 27, 1993, the time previously set for receipt of comments from interested persons.

On May 6, 1993, the PSC received from Grouse Mountain Associates, Ltd. (Grouse Mountain), the Petitioner, a Motion to Vacate the Order. The Motion states that the Eleventh Judicial

District, the court having jurisdiction over the lawsuit (Cause No. DV-93-82A) presenting a similar issue, has stayed further court proceedings pending a determination by the PSC. Grouse Mountain provided a copy of the Court Order.

The PSC's previous Order deferring this matter specifically provides that a court stay of judicial proceedings is grounds to vacate the Order: IT IS HEREBY ORDERED that the PSC's May 3, 1993, Order Granting Motion to Defer and Establishing Automatic Dismissal is VACATED. It is further noted that the PSC finds no reason to adjust any previously established schedule for comments, that schedule having been met prior to the Order deferring. Also, given the nature of several procedural assertions made, primarily between Grouse Mountain and Johnson, the participants are reminded that this proceeding is for declaratory ruling and is not a contested case. See, Title 2, Chapter 4, MCA.

Done and Dated this 18th day of May, 1993 by a vote of 5-0.

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

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DANNY OBERG, 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.