

Service Date: July 5, 1989

FINAL ORDER NO. 5943

DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION

In the Matter of the Application of) DOCKET NO. T-9355
CHARLES GLASS & SONS, Denton, Montana)
for a Certificate of Public Conven-) ORDER NO. 5943
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 January 17, 1989, Charles Glass & Sons, P.O. Box 958, Denton, Montana 59430, filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity. Applicant holds PSC No. 3513 Sub A which reads as follows:

Class B - (1) Molasses and liquid feed between all points and places within Fergus, Yellowstone, Cascade, Richland, Petroleum, Garfield, McCone, Judith Basin, Chouteau, Musselshell, Hill, Pondera, Lewis & Clark, Silver Bow and Missoula Counties. Transportation is limited to the accounts of Cargill, Inc., GTA Feeds and Northwest PMS. (2) Liquid fertilizer between all points and places in Fergus and Judith Basin Counties, limited to the account of Nutro Grow.

Applicant seeks to amend the certificate to read as follows:

Class B - Liquid feed, molasses, and liquid fertilizer

between points in the following counties: Fergus, Yellowstone, Cascade, Richland, Petroleum, Garfield, McCone, Judith Basin, Chouteau, Musselshell, Hill, Pondera, Lewis & Clark, Silver Bow, and Missoula.

2. In accordance with Section 69-23-321, MCA, as amended, this matter was noticed to the public February 3, 1989. That notice said in pertinent part:

If no written protests are received by February 23, 1989, 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 Dixon Bros, Inc., New Castle, Wyoming, and Yellowstone Molasses Service, Inc., Billings, Montana.

4. Docket T-9355 was noticed for public hearing on April 13, 1989, with hearing scheduled for May 4, 1989, in Great Falls, Montana. Prior to that hearing, parties negotiated a stipulation to the docket and the hearing was not held.

5. On June 19, 1989, Applicant amended the transportation sought in Docket T-9355 as follows:

Class B - (1) Molasses and liquid feed between all points and places within Fergus, Yellowstone, Cascade, Richland, Petroleum, Garfield, McCone Judith Basin, Chouteau, Musselshell, Hill, Pondera, Lewis & Clark, Silver Bow, and Missoula Counties. Limitations: Transportation is limited to the accounts of Cargill, Inc., GTA Feeds and Nutritional Service Associates dba NSA Feeds; (2) Liquid fertilizer between all points and places in Fergus and Judith Basin Counties.

Limitations: Transportation is limited to the account of Nutro Grow.

6. All protests have been withdrawn to the docket.

7. 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 5th day of July, 1989, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-9355, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of

CHARLES GLASS & SONS, Denton, Montana for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent: Class B - (1) Molasses and liquid feed between all points and places within Fergus, Yellowstone, Cascade, Richland, Petroleum, Garfield, McCone Judith Basin, Chouteau, Musselshell, Hill, Pondera, Lewis & Clark, Silver Bow, and Missoula Counties.

Limitations: Transportation is limited to the accounts of Cargill, Inc., GTA Feeds and Nutritional Service Associates dba NSA Feeds; (2) Liquid fertilizer between all points and places in Fergus and Judith Basin Counties. Limitations: Transportation is limited to the account of Nutro Grow.

IT IS FURTHER ORDERED that Montana Intrastate Certificate of Public Convenience and Necessity PSC 3513 (Sub A), issued July 30, 1986, be returned to the Commission offices for cancellation in lieu of the amended grant of authority.

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 5th day of July, 1989, 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

WALLACE W. "WALLY" MERCER, Commissioner

ATTEST:

Ann Purcell
Acting 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.