

Service Date: January 4, 1990

FINAL ORDER NO. 5972

DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION

In the Matter of the Application of) Docket No. T-9370
J.S. TRANSPORT, INC., Helena, Montana)
for a Montana Intrastate Certificate) Order No. 5972
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 February 24, 1989, J.S. Transport, Inc., P.O. Box 4446, Helena, Montana 59604, 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 building materials, Class C, between all points and places in the State of Montana. Limitations: Transportation of cement is limited to sacks only.

2. In accordance with Section 69-23-321, MCA, as amended, this matter was noticed to the public March 7, 1989. That notice said in pertinent part:

If no written protests are received by March 27, 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 Montana Carriers, Inc., Billings, Montana; Americana Expressways, Inc., Great Falls, Montana; Bob Boyd Trucking, Inc., Livingston, Montana; Molerway Freight Lines, Inc., Billings, Montana; Ed Marks Trucking, Inc., Kalispell, Montana; Dick Irvin, Inc., Shelby, Montana.

4. On June 20, 1989, Docket T-9370 was noticed for public hearing, with the hearing scheduled for July 13, 1989, in Helena, Montana. Prior to the proposed hearing date, Applicant requested and was granted a continuance of the hearing. Applicant waived the statutory deadline for Commission order in this docket.

5. Notice of Public Hearing was again issued September 15, 1989, setting a hearing date of October 24, 1989. Prior to that date, Applicant restrictively amended his application and all protests were subsequently withdrawn. The hearing was not held.

6. 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 2nd day of January, 1990, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-9370, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of J.S. TRANSPORT, INC., P.O. Box 4446, Helena, Montana, for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

Class C - Building materials between all points and places in the State of Montana, except points and places in Yellowstone, Stillwater, Sweetgrass, and Park Counties. Limitations: 1) Transportation services are limited to the accounts of Yaw-Kinney Co., Inc.; Marks-Miller Post and Pole Co.; Mel Jones Lumber Sales; Independent Lumber and Supply, Inc.; and Intermountain Lumber and Supply, Inc. 2) Service concerning points in Gallatin County is limited to shipments destined to points in that county, with no outbound service from that county authorized. 3) Service is limited to the use of flat bed equipment. 4) Transportation of cement is limited to sacks

only.

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 2nd day of January, 1990, 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

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WALLACE W. "WALLY" MERCER, Commissioner

ATTEST:

Ann Peck
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.