

Service Date: December 15, 1989

FINAL ORDER NO. 5968

DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION

In the Matter of the Application of) DOCKET NO. T-9378
HARLON D. & DIANE L. SCHNEIDER DBA)
SCHNEIDER TRUCKING COMPANY, Lolo, MT)
for a Certificate of Public Conven-) ORDER NO. 5968
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 March 13, 1989, Harlon D. and Diane L. Schneider dba Schneider Trucking Company, 13850 Lolo Creek Road, Lolo, Montana 59847, 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 steel, steel products, fence posts, cardboard, lumber, and scrap iron, Class C, between all points and places in the following counties: Beaverhead, Broadwater, Cascade, Chouteau, Deer Lodge, Flathead, Gallatin, Granite, Hill, Jefferson, Lake, Lewis & Clark, Madison, Meagher, Mineral, Missoula, Park, Powell, Ravalli, Sanders, Silver Bow,

Stillwater, Sweet Grass, and Yellowstone.

2. In accordance with Section 69-23-321, MCA, as amended, this matter was noticed to the public April 5, 1989. That notice said in pertinent part:

If no written protests are received by April 25, 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; Bob Boyd Trucking Inc., Livingston, Montana; Ed Marks Trucking, Inc., Kalispell, Montana; Americana Expressways, Inc., Great Falls, Montana; Ted L. Nichols, Missoula, Montana; and Dick Irvin, Inc., Shelby, Montana.

4. On June 20, 1989, Notice of Public Hearing was issued setting the docket for hearing on July 18, 1989. On July 14, 1989, Applicant requested a continuation of the hearing and waived the Commission's deadlines for issuance of a final order in the docket. The application was again noticed for public hearing on September 15, 1989, with hearing scheduled for October 17, 1989, in Helena, Montana. Prior to that date, applicant restrictively amended the application and all protests were subsequently withdrawn to the docket. The hearing was therefore cancelled.

5. 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 11th day of December, 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-9378, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of HARLON D. AND DIANE L. SCHNEIDER DBA SCHNEIDER TRUCKING COMPANY, Lolo, Montana, for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

Class C - Steel, steel products, fence posts, cardboard, lumber, and scrap iron between points and places in Beaverhead, Broadwater, Cascade, Chouteau, Deer Lodge, Flathead, Gallatin, Granite, Hill, Jefferson, Lake, Lewis & Clark, Madison, Meagher, Mineral, Missoula, Powell, Ravalli, Sanders, and Silver Bow Counties. Limitations: (1) Transportation services are limited to the accounts of Roscoe Steel Co., Pacific Hide and Fur Depot, F.H. Stoltz Land and Lumber Co., and Yaw-Kinney Co., Inc.; and (2) Service concerning points in Gallatin County is further limited to shipments destined to points in Gallatin County and for the accounts of F.H. Stoltz Land and Lumber Co. and Yaw-Kinney Co., Inc. 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 11th day of December, 1989, by a vote of

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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 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.