

Service Date: August 21, 1989

FINAL ORDER NO. 5950

DEPARTMENT OF PUBLIC SERVICE REGULATION  
MONTANA PUBLIC SERVICE COMMISSION

In the Matter of the Application of ) DOCKET NO. T-9395  
JORDAN CONTRACTING, INC., Anaconda, MT) )  
for a Certificate of Public Conven- ) ORDER NO. 5950  
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 April 19, 1989, Jordan Contracting, Inc., P.O. Box 577, Anaconda, Montana 59711, 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 products and machinery, Class C, between all points and places within the State of Montana. LIMITATIONS: Transportation is limited to the account of Affco, Inc., located in Anaconda, Montana, and/or its successor in interest.

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

If no written protests are received by May 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 Bob Boyd Trucking, Inc., Livingston, Montana; Molerway Freight Lines, Inc., Billings, Montana; Getter Trucking, Inc., Billings, Montana; Dick Irvin, Inc., Shelby, Montana.

4. Notice of Public Hearing was issued with service date of June 7, 1989.

5. Getter Trucking, Inc. withdrew its protest to the docket on June 27, 1989.

6. On July 5, 1989, Applicant restrictively amended its application. All protests were subsequently withdrawn.

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 21st day of August, 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-9395, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of JORDAN CONTRACTING, INC., Anaconda, Montana for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

Class C:

- 1) Milling equipment and smelting equipment between all points and places within Deer Lodge, Flathead, Jefferson, Lewis & Clark and Silver Bow Counties;
- 2) Mining equipment between all points and places within Beaverhead, Fergus, Cascade, Judith Basin, Broadwater, Deer Lodge, Flathead, Gallatin, Granite, Jefferson, Lewis & Clark, Lincoln, Madison, Missoula, Park, Powell, Silver Bow, Stillwater, Yellowstone, Ravalli, Carbon, Rosebud, Powder River, Big Horn, Sweet Grass, Sanders, Mineral, Lake, Phillips, Chouteau, Pondera, Glacier, Teton, Wheatland and Golden Valley.

Limitations: 1) Transportation of commodities in bulk is prohibited. 2) Transportation shall be limited to the use of flat bed type trailers. 3) Transportation is limited to the account of AFFCO, Inc., located in Anaconda, Montana, and/or its successor in interest.

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 21st day of August, 1989, by a vote of 5 - 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

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CLYDE JARVIS, Chairman

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HOWARD L. ELLIS, Vice Chairman

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JOHN B. DRISCOLL, Commissioner

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DANNY OBERG, Commissioner

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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.