

Service Date: February 22, 1995

FINAL ORDER NO. 6358

DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION
1701 Prospect Avenue, P.O. Box 202601
Helena, Montana 59620-2601

IN THE MATTER OF **Frank J. Smith**)
dba Just Limos, Poplar, Montana,)
application for a Montana Intrastate) Docket No. T-94.108.PCN
Certificate of Public Convenience) Order No. 6358
and Necessity.)

The Commission, being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On December 20, 1994, Frank J. Smith dba Just Limos, P.O. Box 729, Poplar, Montana 59255 filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity authorizing transportation of the following:

Class B - Passengers in limousine service between all points and places in Dawson, McCone, Richland, and Wibaux Counties.
Limitations: Transportation of Burlington Northern crews is prohibited.

2. In accordance with Section 69-23-321, MCA, this matter was noticed to the public January 10, 1995. That notice said in pertinent part:

If no written protests are received by January 30, 1995, 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. No protests or responses of any kind were received.

4. The record of this application is available for inspection at the Public Service Commission Office, 1701 Prospect Avenue, P.O. Box 202601, 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 1701 Prospect Avenue, Helena, Montana, on the 21st day of February, 1995, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-94.108.PCN, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of **Frank J. Smith dba Just Limos**, Poplar, Montana for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

Class B - Passengers in limousine service between all points and places in Dawson, McCone, Richland, and Wibaux Counties.

Limitations: Transportation of Burlington Northern crews is prohibited.

IT IS FURTHER ORDERED that Certificate of Public Convenience and Necessity, PSC 9347, issued November 1, 1994, be returned to the Commission offices

for reissuance to include the expanded scope of authority.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by first class mail to the applicant and all parties 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 February, 1995, by a vote of 5 - 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

NANCY McCAFFREE, Chair

DAVE FISHER, Vice Chair

BOB ANDERSON, Commissioner

DANNY OBERG, Commissioner

BOB ROWE, 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.