

Service Date: April 24, 1995

FINAL ORDER NO. 9363

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

IN THE MATTER OF Paul and M. Helen Jones)
dba Jones Music, Kalispell, Montana,)
the application for a Montana Intrastate) Docket No. T-94.56.PCN
Certificate of Public Convenience and) Order No. 9363
Necessity.)

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

FINDINGS OF FACT

1. On May 25, 1994, Paul and M. Helen Jones dba Jones Music, 1320 2nd Avenue East, Kalispell, MT 59901 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 - Pianos and organs within the city of Kalispell, Montana and a one hundred (100) mile radius thereof.
 2. In accordance with Section 69-23-321, MCA, this matter was noticed to the public June 8, 1994. That notice said in pertinent part:
If no written protests are received by June 28, 1994, 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. A protest was filed by Suhr Transport, Great Falls, Montana.
 4. Notice of public hearing was issued July 19, 1994, with hearing scheduled for August 26, 1994, in Kalispell. Applicant requested the hearing be vacated and waived the time required for Commission decision on the docket. The hearing was vacated on August 16, 1994.
 5. The second notice of public hearing was issued November 14, 1994, with hearing scheduled for December 5, 1994, in Kalispell. Again, the hearing was vacated at the request of the applicant.
 6. On March 6, 1995, Meridian Mayflower, Kalispell, Montana filed a motion to substitute as protestant for Suhr Transport in the docket. The Commission granted the motion.
 7. A third notice of public hearing was issued March 21, 1995, with hearing scheduled for April 19, 1995, in Kalispell, Montana. Prior to that hearing, protestant Meridian Mayflower withdrew its objection to the application. The hearing was vacated.

8. 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 17th day of April, 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-94.56.PCN, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of Paul and M. Helen Jones dba Jones Music, Kalispell, Montana, for a Certificate of Public Convenience and Necessity IS

GRANTED to the following extent:

Class B - Pianos and organs within the city of Kalispell, Montana and a one hundred (100) mile radius thereof.

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

17th day of April, 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.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Findings of Fact issued in Docket T-94.56.PCN in the matter of Paul and M. Helen Jones dba Jones Music, Kalispell, Montana has today been sent to all parties listed.

MAILING DATE: April 24, 1995 _____
FOR THE COMMISSION

FIRST CLASS MAIL

Paul and M. Helen Jones
dba Jones Music
1320 2nd Avenue East
Kalispell, MT 59901

Suhr Transport
Box 1727
Great Falls, MT 59403

Ken Yachechak
dba Meridian Mayflower
27 2nd Street East
Kalispell MT 59901

AS ITS INTERESTS MAY APPEAR:

Montana Consumer Counsel
34 West Sixth Avenue
P.O. Box 201703
Helena, MT 59620-1703
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