

Service Date: October 30, 1989

FINAL ORDER NO. 5962

DEPARTMENT OF PUBLIC SERVICE REGULATION  
MONTANA PUBLIC SERVICE COMMISSION

In the Matter of the Application of ) DOCKET NO. T-9407  
PATRICK CONSTRUCTION, INC., Havre, MT )  
for a Certificate of Public Conven- ) ORDER NO. 5962  
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 May 24, 1989, Patrick Construction, Inc., Shambo Route, Box 396, Havre, Montana 59501, 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 farm equipment, construction equipment and materials, Class C, between all points and places in the State of Montana. Limitation: Transportation must originate or terminate in Hill County.

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

If no written protests are received by June 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 Bob Boyd Trucking, Inc., Livingston, Montana; H.F. Johnson, Inc., Billings, Montana; Dick Irvin, Inc., Shelby, Montana; Molerway Freight Lines, Inc., Billings, Montana; Baltrusch Truck Lines, Inc., Havre, Montana; and Shumaker Trucking & Excavating Contractors, Inc., Great Falls, Montana

4. On August 24, 1989, Applicant restrictively amended the application to 1) prohibit the transportation of petroleum and petroleum products in bulk in tank vehicles; and 2) limit the transportation to that which is provided by utilization of flatbeds, low-boys, and hydraulic end-dump vehicles.

5. On August 30, 1989, Applicant further restricted the application as follows:

Class C - Farm equipment, construction equipment and construction materials between all points and places in the State of Montana.

Limitations:

A. Transportation must originate or terminate in Hill County.

B. Transportation of farm equipment and construction equipment is limited to the following accounts: 1) Tilleman Motor Company of Havre, Montana; 2) Mark Reinmuth dba Precision Diesel of Havre, Montana; 3) Morgan Equipment of Havre, Montana; 4) T.P. Construction, Inc. of Havre, Montana; and 5) Tom Patrick Construction, a Partnership.

C. Transportation of construction materials is limited to the following accounts: 1) T.P. Construction, Inc.

and 2) Tom Patrick Construction, a sole proprietorship.  
D. Transportation is limited to the utilization of flatbed, lowboy and hydraulic end dump type trailers.  
E. Transportation of petroleum and petroleum products in bulk in tank vehicles is prohibited.

6. Protests to the docket 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 30th day of October, 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-9407, and the Commission being fully advised in the premises;

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

Class C - Farm equipment, construction equipment and construction materials between all points and places in the State of Montana.

Limitations:

A. Transportation must originate or terminate in Hill County.

B. Transportation of farm equipment and construction equipment is limited to the following accounts: 1) Tilleman Motor Company of Havre, Montana; 2) Mark Reinmuth dba Precision Diesel of Havre, Montana; 3) Morgan Equipment of Havre, Montana; 4) T.P. Construction, Inc. of Havre, Montana; and 5) Tom Patrick Construction, a Partnership.

C. Transportation of construction materials is limited to the following accounts: 1) T.P. Construction, Inc. and 2) Tom Patrick Construction, a sole proprietorship.

D. Transportation is limited to the utilization of flatbed, lowboy and hydraulic end dump type trailers.

E. Transportation of petroleum and petroleum products in bulk in tank vehicles is prohibited.

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 30th day of October, 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.