

Service Date: January 4, 1990

FINAL ORDER NO. 5970

DEPARTMENT OF PUBLIC SERVICE REGULATION  
MONTANA PUBLIC SERVICE COMMISSION

In the Matter of the Application of ) Docket No. T-9467  
BILLINGS STORAGE & WAREHOUSE CO. )  
for a Montana Intrastate Certificate ) Order No. 5970  
of Public Convenience 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 October 20, 1989, Billings Storage & Warehouse Company, Box 20858, 206 Plainview Street Billings, Montana 59102, 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 pharmaceuticals, medical supplies and equipment, food and drugs, Class C, between all points and places in the State of Montana.

Limitations: Transportation is restricted to the account of Baxter Healthcare Corporation or its successors in interest.

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

If no written protests are received by November 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 Montana Carriers, Inc., Billings, Montana and United Truck Lines, Inc., Spokane, Washington.

4. On December 4, 1989, Applicant restrictively amended his application. All protests were subsequently withdrawn.

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 2nd day of January, 1990, there being present a

quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-9469, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of Billings Storage & Warehouse Company, Billings , Montana, for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

Class C - Pharmaceuticals, medical supplies and equipment, food and drugs between all points and places in the State of Montana. Limitations: Transportation is restricted to service to home care patients for the account of Baxter Healthcare Corporation or its successors 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 2nd day of January, 1990, 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 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.