

Service Date: August 10, 1990

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

* * * * *

IN THE MATTER of the Application)	TRANSPORTATION DIVISION
of Jones Brothers Trucking, Inc.)	
DBA Executive Limousine Service,)	DOCKET NO. T-9469
for a Class B Montana Intrastate)	
Certificate of Public Convenience)	ORDER NO. 5987b
and Necessity.)	

* * * * *

ORDER DENYING APPLICANT'S MOTION FOR RECONSIDERATION

* * * * *

BACKGROUND

On October 23, 1989 the Commission received an application from Jones Brothers Trucking, Inc., dba Executive Limousine Service (Applicant) for a Certificate of Public Convenience and Necessity, Class B, authorizing the transportation of passengers by limousine service from points in Missoula County to all points and places in the State of Montana and from all points and places in the State of Montana to Missoula County, Montana. By letter dated January 25, 1990 the Applicant limited the authority requested to limousine service from points in Missoula County to all points and places in the State of Montana. The amended request would not allow transportation from points outside Missoula County to points inside Missoula County, unless the transportation

movement were a round trip originating in Missoula County. The application is limited to transportation of six passengers or less and to limousine transportation only. Transportation as a jitney or a taxi is prohibited.

The Commission received written protests from the following carriers: Lonnie and Leona Knutson, PSC No. 7172; Ron and Debbie Kindsfather, PSC No. 8949; Beach Transportation Company, PSC No. 4884; DAKETOKACATE, PSC No. 9044; Shellie D. Berry, dba "A"--LIMO Limousine Service, PSC No. 8943; Richard and Barbara Courtney, dba Courtney's Limousine Service, PSC No. 9020; Mike and Debra Dailey, dba Benton Stage Line, PSC No. 8991; and David L. Morrow, dba Butterfield Stage Limousine, PSC No. 9031.

Following issuance of proper notice, a hearing was held on January 31, 1990 in the City Council Chambers, City Hall, 201 West Spruce, Missoula, Montana. At the conclusion of the hearing the Applicant requested that the Commission issue a proposed order.

On May 9, 1990 the Commission issued Proposed Order No. 5987.

On June 4, 1990 Applicant filed an Exception and Brief to said Proposed Order.

On July 17, 1990, the Commission issued Final Order No. 5987a denying the application.

On July 27, 1990, Applicant filed a Motion For Reconsideration.

SUMMARY OF MOTION FOR RECONSIDERATION

Applicant's Motion for Reconsideration is based on its contention that, contrary to the Commission's respective findings, public need was demonstrated and existing carriers have failed to meet this need.

DISCUSSION, ANALYSIS AND FINDINGS

Section 38.2.4806(3) of the Administrative Rules of Montana, provides that the Commission may abrogate, change or modify an order if, upon reconsideration, the Commission is of the opinion that the original order is unjust or unwarranted. After a careful review of Final Order No. 5987a, the Commission has determined its reasoning to be sound and equitable. Therefore, Applicant's Motion for Reconsideration is denied.

The Commission is persuaded that an applicant seeking authority to operate a limousine service faces unique hurdles in establishing public convenience and necessity: passengers tend to be transitory and/or seasonal. These hurdles, however, are not insurmountable. The Commission firmly believes that shipper witnesses remain a required and plausible component of any application for a certificate of public convenience and necessity.

As this application has been undeniably affected by the absence of qualified supporting shipper witnesses, the Commission will entertain any further application which cures this defect.

ORDER

NOW THEREFORE IT IS ORDERED that the Motion for Reconsideration in Docket No. T-9469 be denied.

IT IS FURTHER ORDERED that the Applicant must, within thirty (30) days of the mailing of the notice of the rights herein granted comply with all rules and regulations of the Montana Public Service Commission.

Done and Dated this 6th day of August, 1990 by a vote of 5 - 0 .

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

HOWARD L. ELLIS, Chairman

DANNY OBERG, Vice Chairman

JOHN B. DRISCOLL, Commissioner

REX MANUEL, Commissioner

WALLACE W. "WALLY" MERCER, Commissioner

ATTEST:

Ann Peck
Commission Secretary

(SEAL)

NOTE: You may be entitled to judicial review in this matter.
Judicial review may be obtained by filing a petition for review within thirty (30) days
of the service of this order. Section 2-4-702, MCA.