

Service Date: January 15, 1990

FINAL ORDER NO. 5976

DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION

In the Matter of the Application of) Docket No. T-9482
OWENS & BRAY, INC., Kalispell, Montana)
for a Montana Intrastate Certificate) Order No. 5976
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 November 20, 1989, Owens & Bray, Inc., 2313 Hwy 2 East, Kalispell, Montana, 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 sawdust, hog fuel, chips and shavings, Class C, from Owens & Hurst Lumber Co., Eureka, Montana, and JLJ Chippers, Inc., Kalispell, Montana, to Stone Container Corp., Frenchtown, Montana.

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

If no written protests are received by December 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. 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, 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 8th 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-9482, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of

OWENS & BRAY, INC., 2313 Hwy 2 East, Kalispell, Montana, for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

Class C - Sawdust, hog fuel, chips and shavings from Owens & Hurst Lumber Co., Eureka, Montana, and JLJ Chippers, Inc., Kalispell, Montana, to Stone Container Corp., Frenchtown, Montana.

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 8th day of January, 1990, by a vote of 5 - 0 .

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

CLYDE JARVIS, Chairman

HOWARD L. ELLIS, Vice Chairman

JOHN B. DRISCOLL, Commissioner

DANNY OBERG, Commissioner

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.