

FINAL ORDER NO. 6381

**DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION
1701 Prospect Avenue, PO Box 202601
Helena, Montana 59620-2601**

**IN THE MATTER OF Howard R. and Elizabeth R. Roberts)
dba Teton Stage Line, Fairfield, Montana, the application) Docket No. T-95.34.PCN
for a Montana Intrastate Certificate of Public Convenience) Order No. 6381
and Necessity.)**

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

FINDINGS OF FACT

1. On April 24, 1995, Howard R. and Elizabeth R. Roberts dba Teton Stage Line, 221 11th Lane S.W., Fairfield, MT 59436, 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 - Passengers in charter service (1) from points in Glacier, Pondera, Teton, and Toole Counties to all points and places in the State of Montana and return; and (2) between points in Glacier, Pondera, Teton, and Toole Counties on the one hand and the Great Falls International Airport facility on the other hand.

Limitations: (1) Transportation is restricted to that provided with vehicles having a rated seating capacity of seven (7) or more; and (2) Transportation of passengers in luxury limousines is prohibited.

2. In accordance with Section 69-23-321, MCA, this matter was noticed to the public May 4, 1995.

That notice said in pertinent part:

If no written protests are received by May 24, 1995, 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 P.S. Charter Montana, Inc., Chinook, Montana and Hall Transit Charter Service, Inc., Great Falls, Montana.

4. On July 10, 1995, P.S. Charter Montana, Inc. withdrew its protest to the docket.

5. Notice of Public Hearing was issued September 15, 1995, with hearing scheduled for October 12, 1995, in Chouteau, Montana. Prior to the hearing date, parties advised the Commission they had mutually agreed to an amended grant of authority. The hearing was vacated.

6. On October 13, 1995, applicant filed a Stipulation to Amend Application with the Commission. Protestant Hall Transit Charter Service, Inc. withdrew its objection to the application. The stipulated agreement is incorporated into the Order granting authority herein.

7. The record of this application is available for inspection at the Public Service Commission Office, 1701 Prospect Avenue, PO 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 23rd day of October, 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-95.34.PCN, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of Howard R. and Elizabeth R. Roberts dba Teton Stage Line, Fairfield, Montana, for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

Class B - Passengers in charter service from points in Glacier, Pondera, Teton, and Toole Counties to all points and places in the State of Montana and return.

Limitations: (1) Transportation is restricted to that provided with vehicles having a rated seating capacity of seven (7) or more; and (2) Transportation of passengers in luxury limousines is prohibited.

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 23rd day of October, 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.