

Service Date: May 7, 1990

FINAL ORDER NO. 5989

DEPARTMENT OF PUBLIC SERVICE REGULATION  
MONTANA PUBLIC SERVICE COMMISSION

In the Matter of the Application of	)	Docket No. T-9519
EIKER, INC., Glendive, Montana	)	
for a Montana Intrastate Certificate	)	Order No. 5989
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 February 26, 1990, Eiker, Inc., Box 1204, Glendive, Montana 59330, 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 water for oilfield operations, Class C, between all points and places in Dawson, Wibaux, Fallon, Prairie, McCone and Richland Counties, Montana. Limitations: Transportation is authorized for the account of Shell Western E & P, Inc. and/or its successor in interest. Applicant currently holds Certificate of Public Convenience and Necessity, PSC 2869 authorizing the above transportation for the account of Shell Oil Company.

2. In accordance with Section 69-23-321, MCA, as amended, this matter was noticed to the public March 7, 1990. That notice said in pertinent part:

If no written protests are received by March 27, 1990, 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. On March 15, 1990, Black Hills Trucking, Inc., Casper, Wyoming, filed a protest to the docket. That protest was withdrawn March 29, 1990.

4. On April 5, 1990, Paraffin Services, Inc. of Sidney, Montana, filed a Petition for Intervention in the docket. Applicant opposed the late intervention and the Commission on April 23, 1990, denied the Petition for Intervention.

5. No other protests were received on the docket.

6. 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 7th day of May, 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-9519, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of EIKER, INC., Box 1204,

Glendive , Montana, for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

CLASS C - Water for oilfield operations between all points and places in Dawson, Wibaux, Fallon, Prairie, McCone and Richland Counties, Montana. Limitations: Transportation is authorized for the account of Shell Western E & P, Inc. and/or its successor 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 7th day of May, 1990, by a vote of 3 - 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

---

CLYDE JARVIS, Chairman

---

HOWARD L. ELLIS, Vice Chairman

---

JOHN B. DRISCOLL, 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.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Final Order No. 5989 issued in Docket T-9519 in the matter of the application by Eiker, Inc., Glendive, Montana, for a Montana Intrastate Certificate of Public Convenience and Necessity has today been sent to all parties listed.

MAILING DATE: \_\_\_\_\_

\_\_\_\_\_  
FOR THE COMMISSION

## CERTIFIED MAIL:

Eiker, Inc.  
Box 1204  
Glendive, MT 59330

## FIRST CLASS MAIL:

Russell L. Culver  
Attorney at Law  
Drawer AA  
Baker, MT 59313

Jerome Anderson  
Attorney at Law  
Box 866  
Helena, MT 59624

David Jackson  
Attorney at Law  
203 N. Ewing  
Helena, MT 59601

## AS ITS INTERESTS MAY APPEAR:

Montana Consumer Counsel

34 West Sixth  
Helena, Montana 59620

Eiker, Inc.  
Box 1204  
Glendive, MT 59330  
Russell L. Culver  
Attorney at Law  
Drawer AA  
Baker, MT 59313

Jerome Anderson  
Attorney at Law  
Box 866  
Helena, MT 59624

David Jackson  
Attorney at Law  
203 N. Ewing  
Helena, MT 59601  
Montana Consumer Counsel  
34 West Sixth  
Helena, Montana 59620