

Service Date: February 5, 1997

FINAL ORDER NO. 6425

DEPARTMENT OF PUBLIC SERVICE REGULATION  
MONTANA PUBLIC SERVICE COMMISSION  
1701 Prospect Avenue, P.O. Box 202601  
Helena, Montana 59620-2601

IN THE MATTER OF **Dean M. & Eva M. Gross** )  
**dba The Taxi**, Glendive, Montana, Application ) Docket No. T-96.121.PCN  
for a Montana Intrastate Certificate of Public ) Order No. 6425  
Convenience and Necessity. )

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

FINDINGS OF FACT

1. On December 20, 1996, **Dean M. & Eva M. Gross dba The Taxi**, 521 S. Taylor Ave., Glendive, MT 59330, 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 within the City of Glendive, Montana and between points tributary thereto, but not exceeding a distance of fifty (50) miles in any direction from said city.

2. In accordance with Section 69-23-321, MCA, this matter was noticed to the public December 30, 1996. That notice said in pertinent part:

If no written protests are received by January 21, 1997, 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. A protest was filed by Just Limos, Inc., Poplar, MT.
4. The protest was withdrawn after the Applicant restrictively amended the application. The amendment is incorporated into the Order granting authority herein.
5. The record of this application is available for inspection at the Public Service Commission Office, 1701 Prospect Avenue, P.O. 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 3rd day of February, 1997, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-96.121.PCN, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of **Dean M. & Eva M. Gross dba The Taxi**, Glendive, Montana, for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

Class B - Passengers within the City of Glendive, Montana and between points tributary thereto, but not exceeding a distance of fifty (50) miles in any direction from said city.

Limitations: (1)Transportation of BNSF train crews is prohibited, and (2) Transportation of passengers by limousine 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 3rd day of February, 1997, by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

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DAVE FISHER, Chairman

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NANCY McCAFFREE, Vice Chair

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BOB ANDERSON, Commissioner

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DANNY OBERG, Commissioner

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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.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Final Order issued in Docket T-96.121.PCN in the matter of Dean M. & Eva M. Gross dba The Taxi (Glendive, Montana) has today been sent to all parties listed.

MAILING DATE: February 5, 1997

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FOR THE COMMISSION

FIRST CLASS MAIL

Dean M. & Eva M. Gross  
dba The Taxi  
521 S. Taylor Ave.  
Glendive, MT 59330

Just Limos, Inc.  
P.O. Box 729  
Poplar, MT 59255

AS ITS INTERESTS MAY APPEAR:

Montana Consumer Counsel  
34 West Sixth Avenue  
P.O. Box 201703  
Helena, MT 59620-1703'