

Service Date: November 27, 1996

FINAL ORDER NO. 6417

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

IN THE MATTER OF **James Madison**, )  
Jefferson City, Montana, application for ) Docket No. T-96.41.PCN  
a Montana Intrastate Certificate ) Order No. 6417  
of Public Convenience and Necessity. )

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

FINDINGS OF FACT

1. On June 28, 1996, **James Madison**, 4 Spring Street, P.O. Box 10, Jefferson City, MT 59638, 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 from points in Cascade, Gallatin, and Lewis & Clark Counties to points within Beaverhead, Big Horn, Carbon, Chouteau, Deer Lodge, Fergus, Flathead, Glacier, Granite, Hill, Jefferson, Lake, Lincoln, Madison, Ravalli, Silver Bow, Valley, and Yellowstone Counties and return.

2. In accordance with Section 69-23-321, MCA, this matter was noticed to the public July 24, 1996. That notice said in pertinent part:

If no written protests are received by August 14, 1996, 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 Karst Stage, Inc., Bozeman, MT; Beach Transportation Co., Missoula, MT; Limousines of Montana, Inc., Clyde Park, MT; Tucker Transportation, Inc., Butte, MT; Hall Transit Charter Service, Inc., Great Falls, MT; G & L Transit, Inc., Helena, MT; Valet Limousine, Inc., Missoula, MT; and Daketokacate, Great Falls, MT.

4. Notice of Public Hearing was issued September 12, 1996, with hearing scheduled for October 2, 1996, in Helena, Montana. Applicant and G & L Transit, Inc. appeared and testified at the hearing. Several shipper witnesses appeared and testified in support of the application.

5. Subsequent to the hearing, applicant and protestant G & L Transit, Inc. agreed to a limited grant of authority to the applicant. A stipulation was filed with the Commission. That stipulation, as well as other agreements reached among the parties, are incorporated into the Order granting authority herein.

6. 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 25th day of November, 1996, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-96.41.PCN, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of **James Madison**, Jefferson City, Montana for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

**Class B - Passengers in charter service from points in Cascade, Gallatin, and Lewis & Clark Counties to points within Beaverhead, Big Horn, Carbon, Chouteau, Deer Lodge, Fergus, Flathead, Glacier, Granite, Hill, Jefferson, Lake, Lincoln, Madison, Ravalli, Silver Bow, Valley, and Yellowstone Counties and return.**

**Limitations: 1) Transportation of railroad crews is prohibited. 2) Transportation provided by luxury limousines is prohibited. 3) Transportation is limited to that utilizing vehicles with no more than a fourteen (14) passenger capacity. 4) Transportation of airline crews to or from points in Lewis & Clark County is prohibited. 5) In Lewis & Clark County, pickup and transportation is limited to the transportation needs of senior citizen groups, veterans groups, church groups, wine tasting groups, community concert association groups and theater groups.**

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 25th day of November, 1996, by a vote of 5 - 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

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NANCY McCaffree, Chair

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DAVE FISHER, 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-96.41.PCN in the matter of the application of James Madison (Jefferson City, Montana) has today been sent to all parties listed below.

MAILING DATE: November 27, 1996

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FOR THE COMMISSION

James Madison  
PO Box 10  
Jefferson City, MT 59638

Hall Transit Charter Service, Inc.  
2620 Upper River Road  
Great Falls MT 59405

David L. Jackson  
Attorney at Law  
203 North Ewing St.  
Helena, MT 59601

Jim Rice  
Attorney at Law  
833 North Last Chance Gulch  
Helena, MT 59601

Karst Stage, Inc.  
511 North Wallace  
Bozeman MT 59715

G & L Transit, Inc.  
1310 Birth  
Helena, MT 59601

Beach Transportation Co.  
825 Mount Avenue  
Missoula MT 59801

Valet Limousine, Inc.  
3820 South Third West  
Missoula MT 59801

Limousines of Montana, Inc.  
PO Box 93  
Clyde Park, MT 59018

Daketokacate, a partnership  
1812 10th Avenue South  
Great Falls MT 59401

Tucker Transportation Inc.  
12 E. Gold St.  
Butte MT 59701

AS ITS INTERESTS MAY APPEAR:

Montana Consumer Counsel

34 West Sixth Avenue  
P.O. Box 201703  
Helena, MT 59620-1703