

Service Date: June 18, 1991

FINAL ORDER NO. 6049

DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION

In the Matter of the Application of) Docket No. T-9656
Waste Management Partners of Bozeman,)
Ltd., Bozeman, Montana)
for a Montana Intrastate Certificate) Order No. 6049
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 13, 1991, Waste Management Partners of Bozeman, Ltd, P.O. Box 3588, Bozeman, Montana, 59772, 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 recycled material, Class B, between all points and places in the State of Montana.

2. In accordance with Section 69-23-321, MCA, as amended, this matter was noticed to the public March 6, 1991. That notice said in pertinent part:

If no written protests are received by March 26, 1991, 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 Prince, Inc., Molerway Freight Lines, Inc., Dixon Bros., Inc., and Montana Carriers, Inc.

4. The docket was noticed for public hearing May 6, 1991, with hearing scheduled for June 6, 1991, in Helena, Montana. Prior to that hearing date, applicant restrictively amended the application and all protests to the docket were withdrawn. The hearing was therefore vacated.

5. 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 10th day of June, 1991, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-9656, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of Waste Management Partners of Bozeman, Ltd, Bozeman, Montana, for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

Class B - Recycled material between all points and places in the State of Montana. Limitations: 1) Transportation of recyclable material must be in vehicles which utilize roll-off and roll-on containers up to a maximum of 50 cubic yards in capacity and curb side collection vehicles up to 1 ton in size. 2) Carrier is not authorized to transport commodities in bulk.

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 10th of June, 1991, by a vote of 5 - 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

Howard L. Ellis
HOWARD L. ELLIS, Chairman

Danny Oberg
DANNY OBERG, Vice Chairman

John Driscoll
JOHN DRISCOLL, Commissioner

Wallace W. Mercer
WALLACE W. "WALLY" MERCER, Commissioner

Bob Anderson
BOB ANDERSON, Commissioner

ATTEST:

Ann Peck
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.