

Service Date: April 16, 1998

FINAL ORDER NO. 6447

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

IN THE MATTER of **Three Rivers**)
Disposal, Inc., Bozeman, Montana,)
Application for a Montana Intrastate) DOCKET T-97.111.PCN
Certificate of Public Convenience) Order No. 6447
and Necessity.)

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

FINDINGS OF FACT

1. On November 13, 1997, **Three Rivers Disposal, Inc.**, Bozeman, Montana, 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 D - Garbage and refuse between all points and places in Broadwater County. Carrier is allowed to transport authorized commodities to certified landfills from territory authorized. Limitation: Transportation within a 35-mile radius of Helena, Montana is prohibited.

2. In accordance with Section 69-23-321, MCA, this matter was noticed to the public December 9, 1997. That notice said in pertinent part:

If no written protests are received by December 29, 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 City-County Sanitation, Inc., Helena, MT.

4. Notice of Public Hearing was issued February 3, 1996, with the hearing scheduled for February 26, 1996, in Helena, Montana.

5. On February 9, 1998, Three Rivers Disposal, Inc. filed a Motion to Amend Application and Dismiss City-County Sanitation's Protest, allowing Three Rivers to "amend its application to confirm that Three River's is not seeking Class D authority to serve the City of Townsend."

6. On February 20, 1998, City-County Sanitation, Inc. withdrew its protest predicated on the "Commission granting Three River's February 9, 1998 Motion to Amend Application by which Three Rivers excludes any portion of the City of Townsend, Montana from the service area designated in its application."

7. On February 23, 1998, the Commission granted Three River's amendment to prohibit transportation within the City of Townsend, Montana.

8. Agreements reached among the parties, are incorporated into the Order granting authority herein.

9. 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 14th day of April, 1998, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-98.111.PCN, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of **Three Rivers Disposal, Inc.**, Bozeman, Montana, for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

Class D - Garbage and refuse between all points and places in Broadwater County. Carrier is allowed to transport authorized commodities to certified landfills from territory authorized.

Limitation: (1) Transportation within a 35-mile radius of Helena, Montana is prohibited. (2) Transportation within the City of Townsend 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 14th day of April, 1998, by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

DAVE FISHER, Chairman

NANCY McCaffree, 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.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Final Order issued in Docket T-98.111.PCN in the matter of Three Rivers Disposal, Inc., Bozeman, Montana has today been sent to all parties listed.

MAILING DATE: April 16, 1998

FOR THE COMMISSION

FIRST CLASS MAIL

Three Rivers Disposal, Inc.
P.O. Box 3588
Bozeman, MT 59772

G. Steven Brown
Attorney at Law
1313 11th Avenue
Helena, MT 59601

City-County Sanitation, Inc.
3630 York Road
Helena, MT 59602

Frank Crowley
Doney, Crowley and Bloomquist, P.C.
Attorneys at Law
Power Block, Suite 300
6th Avenue & North Last Chance Gulch
P.O. Box 1185
Helena, MT 59624

AS ITS INTERESTS MAY APPEAR:

Montana Consumer Counsel
616 Helena Avenue
P.O. Box 201703
Helena, MT 59620-1703