

FINAL ORDER NO. 6429

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

IN THE MATTER OF **Donald A. Hurley**)
dba Bodysnatchers Etc., Billings, Montana,) Docket No. T-97.4.PCN
application for a Montana Intrastate Certificate) Order No. 6429
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 January 15, 1997, **Donald A. Hurley**, 14007 Roundup Road, Billings, MT 59105, 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 by classic car limo service between all points and places in Bighorn, Carbon, Gallatin, Golden Valley, Musselshell, Stillwater, and Yellowstone Counties.
Limitations: (1) Transportation is restricted to passenger vehicles having a capacity not to exceed six (6) passengers. (2) Transportation is limited to classic vintage automobile service only. (3) Transportation as a bus, jitney, or taxi is prohibited. (4) Service is restricted to that provided by reservations made at least one (1) hour in advance.

2. In accordance with Section 69-23-321, MCA, this matter was noticed to the public January 28, 1997 . That notice said in pertinent part:

If no written protests are received by February 18, 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. Protests were received Foosco, Inc. dba City Cab, Billings, Montana; Karst Stage, Inc., Bozeman, Montana; Ron and Debbie Kindsfather dba Billings Trolley Co., Billings, **Montana**; Ron and Debbie Kindsfather dba Limo Scene Limousine Service, Billings, **Montana**; Milam, Inc. dba A-Limo Limousine Co., Huntley, Montana; and Two Shews, Inc. dba Billings Yellow Cab, Billings, **Montana**.

4. Protests were withdrawn after the Applicant restrictively amended the application.

The amendments are incorporated into the Order granting authority herein.

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 21st day of April, 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-97.4.PCN, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of **Donald A. Hurley dba Bodysnatchers Etc.**, Billings, Montana, for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

Class B - Passengers by classic car between all points and places in Bighorn, Carbon, Golden Valley, Musselshell, Stillwater, and Yellowstone Counties.

Limitations: (1) Transportation is restricted to passenger vehicles having a capacity not to exceed six (6) passengers. (2) Transportation is limited to classic vintage automobile service only. (3) Transportation as a bus, jitney, or taxi is prohibited. (4) Service is restricted to that provided by reservations made at least one (1) hour in advance. (5) The hiring of antique and classic car service must be for entire vehicle, and solicitation of individual passengers to constitute a load is prohibited. (6) Antique, classic and stretch limousine are 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 21st day of April, 1997, 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-97.4.PCN in the matter of Donald A. Hurley dba Bodysnatchers Etc. (Billings, Montana) has today been sent to all parties listed.

MAILING DATE: April 23, 1997

FOR THE COMMISSION

FIRST CLASS MAIL

Donald A. Hurley
14007 Roundup Road
Billings, MT 59105

Foosco, Inc.
dba City Cab
2319 Mont. Avenue
P.O. Box 2333
Billings, MT 59103-2333

David L. Jackson
Jackson, Murdo, Grant
& McFarland, PC
203 North Ewing Street
Helena, MT 59601-4298

Karst Stage, Inc.
511 North Wallace
Bozeman, MT 59715

Ron and Debbie Kindsfather
dba Billings Trolley Co.
1509 Rosebud Lane
Billings, MT 59101

Ron and Debbie Kindsfather
dba Limo Scene Limousine Service
1509 Rosebud Lane
Billings, MT 59101

Milam, Inc.
dba A-Limo Limousine Co.
66 West Arrow Creek Road
Huntley, MT 59037

Two Shews, Inc.
dba Billings Yellow Cab
18 Burlington Avenue
P.O. Box 1831
Billings, MT 59103

AS ITS INTEREST MAY APPEAR:

Montana Consumer Counsel
34 W. Sixth
Helena, MT 59620