

Service Date: December 17, 1991

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

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IN THE MATTER of the Application)	TRANSPORTATION DIVISION
of Larry D. Klinger d/b/a Byford)	
Trucking Company, Roundup, Montana)	DOCKET NO. T-9763
for a Certificate of Public)	
Convenience and Necessity.)	ORDER NO. 6077a

ORDER ON MOTION TO STRIKE PROTEST

On December 12, 1991, Applicant, Larry D. Klinger d/b/a Byford Trucking Company, moved the Commission to strike the protest of Green Oilfield Services (Protestant) upon the grounds that Protestant lacks standing, i.e., Protestant does not possess the authority to perform the service contemplated in the application. On December 12, 1991 Protestant filed a response claiming it held authority that, combined with another certificated carrier's authority, would allow it to perform the service contemplated in the application.

Whether Protestant is legally and practically capable of performing the contemplated service involves several issues of fact that the Commission believes are best answered at hearing. Therefore, Applicant's motion to strike is hereby denied.

Done and Dated this 17th day of December, 1991 by a vote of 5 - 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

HOWARD L. ELLIS, Chairman

DANNY OBERG, Vice Chairman

BOB ANDERSON, Commissioner

JOHN B. DRISCOLL, Commissioner

WALLACE W. "WALLY" MERCER, Commissioner

ATTEST:

Ann Peck
Commission Secretary

(SEAL)

NOTE: Any interested party may request that the Commission reconsider this decision. A motion to reconsider must be filed within ten (10) days. See ARM 38.2.4806.