

FINAL ORDER NO. 6453

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

IN THE MATTER OF **Mary Belle Harper dba**) Docket No. T-98.10.PCN
V.I.P. Taxi Service, Livingston, Montana,)
Application for a Montana Intrastate) Order No. 6453
Certificate 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 April 8, 1998,1998, **Mary Belle Harper dba V.I.P. Taxi Service**, Livingston, 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 B - Passengers and small packages between all points and places within Livingston, Montana and a one hundred twenty-five (125) mile radius thereof.

Limitations: (1) Movements which both originate and terminate within Bozeman, Montana are prohibited. (2) Transportation service is restricted to cab or taxi service only. (3) Transportation service to be provided is restricted against utilizing vehicles in excess of eight (8) person capacity. (4) Transportation service to or from Gallatin Field in or near Belgrade, Montana, must originate or terminate in Livingston, Montana. (5) Transportation of Burlington Northern crews is prohibited. (6) Truck delivery service is prohibited.

2. In accordance with Section 69-23-321, MCA, this matter was noticed to the public May 5, 1998. That notice said in pertinent part:

If no written protests are received by May 25, 1998 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 Two Shews, Inc. dba Billings Yellow Cab, Billings, Montana; Foosco, Inc. dba City Cab, Billings, Montana; Mark L. Foos dba Northwest Passage (authority leased to Silver Eagle Shuttle, Inc.), Billings, Montana; Tucker Transportation, Butte, Montana; Valet Limousine, Inc., Missoula, Montana; Powder River Transportation Services, Inc., Gillette, Wyoming and 4 X 4 Stage, Inc., Belgrade, Montana.

4. All protests were withdrawn after the Applicant restrictively amended the application. The amendments are incorporated into the Order granting authority herein.

5. 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 Monday, the 14th day of September, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-98.10.PCN, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of **Mary Belle Harper dba V.I.P. Taxi Service**, Livingston, Montana, for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

Class B - Passengers and small packages between all points and places within Livingston, Montana and a one hundred twenty-five (125) mile radius thereof.

Limitations: (1) Transportation movements must originate or terminate within Park County, Montana. (2) Transportation service is restricted to cab or taxi service only. (3) Transportation service to or from Gallatin Field in or near Belgrade, Montana, must originate or terminate in Livingston, Montana. (4) Transportation service to be provided is restricted against utilizing vehicles in

excess of eight (8) person capacity. (5) Transportation of Burlington Northern crews is prohibited. (6) Truck delivery service 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 September, 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.