

Service Date: November 10, 1992

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 of)	TRANSPORTATION DIVISION
Duane & Debbie Bartlett dba Camelot)	
Limousine Service, Missoula, MT)	DOCKET NO. T-9825
for a Class B Montana Intrastate)	
Certificate of Public Convenience)	ORDER NO. 6117b
and Necessity.)	

ORDER ON MOTION FOR RECONSIDERATION

I. BACKGROUND

On February 24, 1992 the Commission received an application from Duane and Debbie Bartlett, dba Camelot Limousine Service (Applicant) for a Certificate of Public Convenience and Necessity, Class B, authorizing the transportation of passengers and personal baggage in limousine service between all points and places in the State of Montana, but with the following limitations: 1) Transportation is limited to no more than eight (8) passengers per vehicle per trip; 2) transportation must originate in one of the following counties: Missoula, Ravalli, Lake, Flathead, Lincoln, Glacier, Powell, Silver Bow, Deer Lodge, Granite, Beaverhead and Cascade; 3) transportation as a taxi or cab is prohibited; 4) transportation shall be provided to passengers by reservation only; 5) solicitation of individual fares is prohibited; and 6) solicitation of train crews for work-related transportation is prohibited.

Following issuance of proper notice, a hearing was held on May 28, 1992 in the City Council Chambers, 435 Ryman, Missoula, Montana. On August 17, 1992 the Commission issued a final order denying the application.

On August 27, 1992 the Commission received a motion for reconsideration from Applicant's counsel. On September 29, 1992 the Commission issued an order granting in part and denying in part the motion. This order provided for a partial authority for transportation originating from Ravalli, Silver Bow, Deer Lodge, Powell, Granite, Beaverhead and Cascade counties to all points and places in Montana with the following limitations: 1) transportation is limited to no more than eight passengers per vehicle per trip; 2) operation as a taxi or cab is prohibited; 3) transportation shall be provided to passengers only by advance reservation of 24 hours; 4) solicitation of train crews for work-related transportation is prohibited; and 5) service originating in Cascade County may be initiated only at the Great Falls International Airport for the purpose of picking up arriving airplane passengers.

On October 5, 1992 Executive Limousine Service (ELS), a protestant in this matter, filed an objection and request for clarification. Essentially a motion for reconsideration, this filing requested that Applicant be required to maintain its permanent place of business, dispatch office and vehicles within either of the following counties: Ravalli, Silver Bow, Deer Lodge, Powell, Granite, Beaverhead or Cascade. ELS also requested that Applicant be required to limit its advertising to these same counties or else specify in its advertising that all service must originate in these counties.

On October 15, 1992 Applicant filed a response to the objection and request for clarification. This response included a motion for reconsideration directed at that part of the granted authority requiring that reservations be made 24 hours in advance.

II. DISCUSSION.

Applicant correctly notes that the limitation requiring that reservations be made 24 hours in advance is different from the limitation originally proposed in the application. That limitation simply provided that transportation shall be provided to passengers by reservation only. The Commission amended the original limitation so as to provide a standard for establishing what constituted a reservation and to protect the existing regulated taxi cab services. However, Applicant argues that the 24-hour limitation should be dropped since the issue was not raised at hearing or, in the alternative, that a more reasonable 2-hour standard should be imposed. Since Applicant's proposal for a two-hour standard appears to sufficiently satisfy the Commission's desire to establish a standard that also protects existing passenger services, the authority will be amended accordingly.

ELS, a Missoula-based carrier, is requesting that certain restrictions affecting advertising and the location of business operations be imposed on Applicant, also a Missoula-based carrier. This request is based on the belief that without such restrictions Applicant will interfere with ELS's operations and possibly be tempted to violate the terms of its operating authority. The Commission understands this concern. Applicant has obtained an authority that by its own admission is of little economic value. Further, Applicant's business operations are located in a county for which it has no authority to operate. While these facts do warrant considerable concern and scrutiny, the Commission nonetheless believes that its traditional enforcement procedures are adequate in this instance. Therefore, the request for restrictions affecting advertising and the location of business operation is denied.

However, in recognition of the potential problems associated with this operating authority, the Commission believes that the terms of the authority should be clarified so as to remove any possible ambiguity. Therefore, the authority granted shall be for transportation

between all points and places in the following counties: Ravalli, Silver Bow, Deer Lodge, Powell, Granite, Beaverhead and Cascade; and from all points and places in Ravalli, Silver Bow, Deer Lodge, Powell, Granite, Beaverhead and Cascade counties to all points and places in Montana and return. The following limitations apply: 1) transportation is limited to no more than eight passengers per vehicle per trip; 2) operation as a taxi or cab is prohibited; 3) transportation shall be provided to passengers only by advance reservation of 2 hours minimum; 4) solicitation of train crews for work-related transportation is prohibited; 5) service originating in Cascade County may be initiated only at the Great Falls International Airport for the purpose of picking up arriving airplane passengers; and 6) any return movements from points and places outside Ravalli, Silver Bow, Deer Lodge, Powell, Granite, Beaverhead and Cascade are limited to those passengers originating from these counties.

CONCLUSIONS OF LAW

1. The Montana Public Service Commission has jurisdiction over the parties and subject matter addressed in this proceeding. Section 69-12-201, MCA.
2. The Commission has the authority to grant a certificate of operating authority if required by public convenience and necessity. Section 69-12-323.

ORDER

NOW THEREFORE IT IS ORDERED that the request of Executive Limousine Service for restrictions affecting the advertising and location of business operations of Camelot Limousine Service is hereby denied.

IT IS FURTHER ORDERED that the granted authority be amended as follows:

Transportation between all points and places in the following counties: Ravalli, Silver Bow, Deer Lodge, Powell, Granite, Beaverhead and Cascade; and from all points and places in Ravalli, Silver Bow, Deer Lodge, Powell, Granite, Beaverhead and Cascade counties to all points and places in Montana and return. The following limitations apply: 1) transportation is limited to no more than eight passengers per vehicle per trip; 2) operation as a taxi or cab is prohibited; 3)

transportation shall be provided to passengers only by advance reservation of 2 hours; 4) solicitation of train crews for work-related transportation is prohibited; 5) service originating in Cascade County may be initiated only at the Great Falls International Airport for the purpose of picking up arriving airplane passengers; and 6) any return movements from points and places outside Ravalli, Silver Bow, Deer Lodge, Powell, Granite, Beaverhead and Cascade are limited to those passengers originating from these counties.

Done and Dated this 10th day of November, 1992 by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

DANNY OBERG, Chairman

WALLACE W. "WALLY" MERCER, Vice Chairman

BOB ANDERSON, Commissioner

JOHN B. DRISCOLL, Commissioner

TED C. MACY, Commissioner

ATTEST:

Kathlene M. Anderson
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.