

Service Date: June 11, 1993

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

* * * * *

IN THE MATTER of the Application of) TRANSPORTATION DIVISION
PROPANE TRANSPORT, INC., Milford,)
OH, for a Class C Montana Intrastate) DOCKET NO. T-9938
Certificate of Public Convenience)
and Necessity.) ORDER N. 6209

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FINAL ORDER

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APPEARANCES

FOR THE APPLICANT:

Ray F. Koby, Swanberg, Koby and Swanberg, P.O. Box 2567,
Great Falls, Montana 59403

FOR THE PROTESTANT:

Jerome Anderson, Anderson, Brown, Gerbase, Cebull, Fulton,
Harmon and Ross, Suite 4 E Power Block Building, 5 W. 6th
Avenue, Helena, Montana, appearing on behalf of Dixon Bros.,
Inc., Great Falls, Montana

FOR THE COMMISSION:

Denise Peterson, Staff Attorney and Bonnie Lorang,
Assistant Administrator, Transportation Division
1701 Prospect Avenue, P.O. Box 202601, Helena, MT 59620-2601

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BEFORE:

DANNY OBERG, Chairman
DAVE FISHER, Commissioner
NANCY MCCAFFREE, Commissioner

BACKGROUND

1. On September 15, 1992 the Montana Public Service Commission (Commission) received an application from Propane Transport, Inc. (Propane Transport or Applicant), Milford, Ohio for a Class C Certificate of Public Convenience and Necessity authorizing transportation of liquified petroleum gas statewide. The proposed certificate would be limited to the account of Amerigas Propane, Inc. or its successor.

2. The Commission received written protests from Dick Irvin, Inc., Shelby, Montana and Dixon Brothers, Inc., New Castle, Wyoming.

3. A public hearing was duly noticed and held before Chairman Danny Oberg and Commissioners Dave Fisher and Nancy McCaffree in the Bollinger Room of the Commission offices, 1701 Prospect Avenue, Helena, Montana, beginning at 9:10 a.m.

4. Protestant Dixon Bros., Inc. (Protestant or Dixon Bros.) remained as the sole protestant. At the conclusion of the

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Applicant's case-in-chief, Protestant made a motion to dismiss on the grounds that Applicant had failed to meet its burden of proof that the public convenience and necessity required this grant. Protestant argued that there was no showing of any service need not met by the private fleet of Amerigas Propane, Inc. (Amerigas) that its proposed subsidiary contract carrier could meet. The Commission took the motion under advisement. This order will address the arguments on the motion in more detail.

5. Parties agreed to an extended briefing schedule which was concluded March 31, 1993.

SUMMARY OF TESTIMONY

Applicant's Testimony

6. David A. Archer, director of sales and marketing for Propane Transport, Inc. (PTI), Milford, Ohio appeared and testified on behalf of the Applicant. Mr. Archer testified that PTI's corporate office is in Milford, Ohio. He has been employed by PTI since June 1988, first as the eastern regional manager in charge of operations and sales from Ohio east. In October 1991 PTI reorganized and Mr. Archer became director of sales for the entire company. He testified that PTI is a wholly owned subsidiary of Amerigas which is the supporting shipper, according

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to his testimony. PTI was incorporated in 1989, but in business since 1950. Mr. Archer sponsored Exhibit Nos. 1-5; PTI's equipment list and location, balance sheet (December 20, 1992), and summary of operations (December 17, 1992 - December 20, 1992).

7. Mr. Archer further testified that PTI is a specialized carrier of liquified petroleum gases (LPG) with intrastate common carrier authority in 32 states, with six states pending, four granted and two others nearing compliance. PTI has 317 shippers of LPG nationwide, from "major" shippers, including the parent company, to the small family operations. Amerigas represents about 50% of PTI's business, but PTI does not do 100% of Amerigas business in areas where PTI does not have terminal facilities.

8. Mr. Archer testified that Amerigas acquired PTI when it acquired Calgas in June 1987. Upon realizing that PTI was a common carrier, Amerigas slowly began converting its private fleet to PTI, as PTI obtains authority on a one-for-one swap, retitling and operating in PTI's name. Propane-hauling requires special tanks and equipment -- propane is one of the liquified petroleum gasses. PTI has a substantial equipment list in the east and in California. Other western states are operated as Amerigas,

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pending obtaining authorities. PTI and Amerigas have a total of 197 owned or leased tractors and 186 owned or leased trailers. PTI operates about 120 each of the trailers and tractors. If the application is granted, there would be no change in the equipment, simply a name change.

9. At some length, Mr. Archer testified as to differences in hauling in the eastern and western regions. The west requires more long hauls (400 mile radius vs. 100 mile radius) and more uncertain supplies of propane. Drivers carry satellite communication system for two-way communication, called Qualcomm Communication.

10. Mr. Archer also testified on PTI's safety program and strict hiring requirements, since LPG is a hazardous commodity. PTI is in compliance with all of the ICC and DOT safety requirements, he testified.

11. In testifying on the balance sheet Mr. Archer stated that PTI produces invoices for every load. As the bills are paid, the money is transferred into a holding account. After contacting Amerigas the funds are then transferred into another account, the cash management system, and subsequently to a concentration account in North Carolina. Amerigas fills one consolidated tax

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return, and therefore has the cash transferred as it is deposited, allowing effective use of a positive cash flow. Amerigas itself is a subsidiary of UGI corporation. Amerigas has an earned surplus of \$5,313,545.85, positive cash flow. PTI has a net earning of \$1,044,238 for 1992. PTI has the ability to purchase additional equipment when needed. PTI's acquisition of equipment from Amerigas will be handled with invoices, checks and title changes.

12. Mr. Archer testified that PTI contracts with Amerigas in PTI's contract carrier service area. A proposed contract was admitted as Exhibit 6 which would require some revisions to comply with Montana law.

13. Under cross-examination, Mr. Archer testified that Ted Reilly, not he, is responsible for system-wide operations, accounting, sales, marketing and safety. PTI has about 150 employees and 75 lease operators. Bob Boese is going to be director of operations in the western region. Right now Mr. Boese has dual roles, Mr. Archer testified, for both PTI and Amerigas during the conversion. All the officers and directors for PTI are associated with Amerigas. The board of directors of Amerigas sets the policy for operations of PTI.

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14. Mr. Archer further testified, under cross-examination, that "at this time" the only shipper PTI will provide service for in Montana is Amerigas. However, PTI is always looking for other opportunities to pursue business. If one of its customers desired service, it would be willing to pursue an application for the customer. He admitted that the purpose of PTI's application is to serve Amerigas and broaden the scope of operations statewide in Montana, which might include "moving into the traffic" now carried by the carriers in Montana.

15. Mr. Archer testified, under cross-examination, as to Amerigas's possible purchase of Petrolane, a competitor. When questioned whether the Petrolane traffic would then be handled by PTI or Amerigas, he stated, "Not necessarily...." He said that "we" have no plans of increasing equipment in the area. In other areas where PTI serves Amerigas, extensive business goes to common carriers because PTI does not have the equipment to meet peak demand. He then testified that PTI is not maximized yet, and it has the ability to move equipment in as business dictates.

16. Under questioning, Mr. Archer stated that PTI does not intend to have a terminal in Montana. PTI intends to license all the equipment it acquires for intrastate Montana operations. PTI

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will continue to operate from its existing terminal facilities, one in Cheyenne, Wyoming. On the possible purchase of Petrolane, Mr. Archer understood that there would be four locations to load LPG in Montana: Laurel, Billings, Miles City and Cut Bank.

17. Robert Boese, western regional manager of Transportation for Amerigas, Cheyenne, Wyoming, appeared and testified in support of the application. He is in charge of transportation and supply in the West and has been with Amerigas ten years. He testified as follows:

Amerigas basically is a propane company, both wholesale and retail. We purchase product in the open market; we deliver it to our retail plants; the retail plants deliver it out to the end user. We also deliver product to wholesale customers, which may be bulk customers, such as Montana Power and Colstrip, or they may be other retail plants.

Transcript, p. 52.

18. Mr. Boese testified further that he manages all Amerigas's equipment to distribute the product, which is "the driving fleet." Amerigas has converted 18 of the units to Propane Transport Vehicles in the west coast, primarily California. Amerigas proposes to convey its equipment to PTI at book value, if this application is approved. Amerigas provides intrastate

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distribution of propane from Conoco at Billings to Colstrip presently from equipment "terminaled" at Cheyenne, Wyoming. He also dispatches equipment from Cheyenne to customers in South Dakota, Wyoming, and Idaho, perhaps bringing a propane haul back.

Amerigas tries to "chain load" so that the vehicles are loaded 50 percent of the time en route. It is no "problem to place a truck into Conoco Billings to haul to Colstrip, because normally Conoco doesn't produce enough product to meet Montana Power [Company's] demands. It has to come from either Casper KN Energy or Highlight, Wyoming."

19. Mr. Boese testified that Amerigas is looking for other distribution business within Montana. Occasional contracts from propane came up for bid. Amerigas's current operation requires two units of equipment to meet its carrier needs for Montana, he testified. Mr. Boese speculated that Amerigas's possible acquisition of Petrolane would increase its demand.

20. As a potential shipper, Mr. Boese testified that Amerigas presently does 90 percent of its own hauling in Montana with its own relatively new private fleet developed to meet its requirements. Amerigas has purchased a satellite tracking system, Qualcomm, to respond quickly and avoid "driving empty miles." The

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Qualcomm system includes a computer system in Cheyenne that communicates with the trucks via satellite through San Diego to California. The transmittal is over phone lines uplinked to a satellite and downlinked to the trucks. The driver can send messages back through the system. This equipment would be available to PTI, if the application is granted, he testified. Qualcomm, along with the data input system, allows Amerigas to bill quickly, improving cash flow.

21. Mr. Boese also testified that Amerigas uses other carriers for overflow work. He prefers to use contract carriers, if possible, because a customer has a higher priority. He compared common carriers to taxis and contract carriers to chauffeur-driven limousine service. Protestant Dixon Bros., Inc. has hauled for Amerigas on an overflow basis, he testified, "fairly minimally." He stated that there would be no change in the use of common carriers, as Amerigas/PTI have no plans to add equipment if the application is granted. "It will be exactly as before." He said that he had tried to use Dixon Bros. In 1991 and 1992 he asked Dixon Bros. to station equipment in Salt Lake City, but they refused because they did not have a maintenance facility there.

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22. Mr. Boese responded on direct examination that granting the application would "contribute to the convenience and necessity of [the company]" because "contract carrier authority has provided a greater service than common carrier authority" and "PTI would be acquiring equipment that has been uniquely and specifically tailored to meet our demands...." Further, he responded that "we would like to continue that type of operation."

23. Cross-examination of Mr. Boese elicited the following relevant responses. Before working for Amerigas he worked for Calgas. His additional duties now include supply and distribution. "Supply" buys product throughout the western United States and "distribution" sends it where needed to meet customer demand. Amerigas's only customer in Montana is Montana Power Company (MPC) at Colstrip, Montana on a contract Amerigas obtains the propane for MPC at Conoco in Billings, as well as KN Energy (Casper, Wyoming) and UPFI (Highlight, Wyoming). From the Conoco refinery, Amerigas takes about one million gallons, or 100 loads per year. One unit of equipment could handle the service, except for unusual circumstances. Therefore, he assigns two pieces of equipment. He admitted that one unit should suffice, and that he could pull another unit in if needed. Some testimony

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concerned his need for two trucks in order to track the truck's location. For example, with the truck enroute to Conoco Amerigas might learn that Conoco has no propane. Amerigas only tendered three loads to Dixon Bros. in 1992 and two loads in 1991.

24. Under further cross-examination, Mr. Boese testified that Amerigas has geared its equipment to provide a service "to ourselves that we don't feel another carrier can provide." He also admitted that Amerigas is looking for more wholesale customers in Montana. Amerigas does not intend to give the traffic to a common carrier if the traffic can be handled by "our present equipment." He testified that the service and the equipment including Quallcom, will be the same if PTI gets this authority. Billing by Amerigas is done on a "short term basis" to improve cash flow. The advantage to Amerigas in PTI's fleet is having volume discounts in purchasing, he stated. With volume discounts, he testified, PTI could charge Amerigas lower rates. There was also testimony on the vertical integration and the interchange of rules between the companies.

25. Pursuant to staff examination, Mr. Boese testified that PTI intends to pay fair market value for Quallcom in addition to the tractors and trailers. The Quallcom equipment is mobile and

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easily transferable, costing about \$4000 per truck. Amerigas transfers it to its leased units. He admitted that Amerigas could arrange with a common carrier to transfer the Qualcomm unit, but had never done so. He testified that training would be a problem, as well as lack of access to the Amerigas computer system.

26. To Commissioners' questioning, Mr. Boese responded that other common carriers could purchase the system, and in fact other fleets have this capability. He further testified that the equipment was installed for efficient use of the fleet. With Qualcomm, he responded, he could better meet Montana Power Company's needs at Colstrip, should the turbines shut down or a problem develop at the originating station. To further staff questions, he responded that if PTI is not granted this authority he would retain two units in Amerigas to meet intrastate needs in Montana.

Protestant's Testimony

27. Loren Knittel, Spearfish, North Dakota, appeared and testified on behalf of Dixon Bros., Inc., in opposition to the application. For ten years Mr. Knittel has been the traffic manager for Dixon Bros., a Wyoming corporation. His principal

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function is sales and marketing, with some involvement in operations and safety. Dixon Bros. only business is "for-hire trucking," and has operated for 33 years. It holds intrastate authority in Wyoming, Montana, North Dakota, South Dakota, Idaho, Minnesota and Wisconsin. Dixon Bros. also holds ICC authority nationwide for general commodities, including petroleum and petroleum products. In Montana, Dixon Bros. hauls the full range of petroleum products, including propane and other liquified petroleum gas.

28. Mr. Knittel sponsored three exhibits -- its certificate of authority, a map outlining its service area, and its equipment list. Dixon Bros. has six locations in Montana, with two principal terminal facilities located in Billings and Great Falls.

Dixon Bros. has equipment stationed at all six locations, dispatching out of its Billings terminal. Dixon Bros. has 21 trailer units of varying capacity which it moves from terminal to terminal as needed, and from state to state. If traffic needs increase, Dixon Bros. can place additional equipment in Billings.

Its trailers for liquified petroleum gas are specially designed for high pressure products and meet the U.S. Department of Transportation (DOT) standards. Dixon Bros. actively solicits

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traffic through Mr. Knittel, as well as a full-time salesman in Montana and terminal managers.

29. Mr. Knittel testified that Dixon Bros. has solicited business from Amerigas, specifically handling propane in Montana.

Amerigas was conducting most of its transportation itself, but its new dispatcher was instructed to remember Dixon Bros. should the need arise. Amerigas has contacted and asked Dixon Bros. if it would be interested in placing equipment in Salt Lake City to handle peak season traffic. Dixon Bros. responded that Salt Lake City is out of its general service area. Dixon Bros. offered to handle Amerigas's northern Wyoming and Montana business instead so that Amerigas could send its trucks to Utah, he testified. This offer was declined. Mr. Knittel testified that Dixon Bros handled only five shipments in 1991 and 1992, to totaling \$965 in revenue.

30. Regarding safety, Mr. Knittel testified that Dixon Bros. has a full-time safety director and assistant, complying with DOT regulations, including driver training, drug-testing; equipment records, inspections, and hazardous materials. Dixon Bros. provides 24 hour a day on call service and accepts collect long distance calls, as well as providing a toll free number. The company also trains drivers to handle specific customer's needs.

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In 1991, Dixon Bros. handled 490 propane shipments in Montana and 101 in 1992, resulting in a revenue drop from \$197,254 to \$42,614, or 20% of the 1991's dollar volume. Mr. Knittel testified that his company needs more business, and would be willing and able to handle all Amerigas's traffic, not only to Montana Power Company from Billings but also out of Casper and Highlight, Wyoming (interstate). Mr. Knittel stated that Dixon Bros. could probably provide quicker response time for the needs Amerigas cannot meet from Billings to Colstrip. It has a larger pool of equipment closer to Casper and Highlight. He testified that Dixon Bros. could provide the same service Amerigas now does by private carriage and which is proposed in PTI's application.

31. Mr. Knittel testified that PTI's proposed rate structure is higher than Dixon Bros. filed tariffs (5.502 cents per gallon to 4.49 cents per gallon). This tariff difference would amount to \$10,000 less freight charges per 100 annual loads to Montana Power Company, if transported by Dixon Bros. He testified that Dixon Bros. opposes the application because it needs this type of traffic and has solicited it. Allowing this conversion from private to common carriage would bring another competitive trucking firm into an area where there is already

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limited traffic.

32. Under cross-examination, Mr. Knittel expressed his concern that the Applicant would obtain expanded authority over the current private carriage needs of Amerigas from Billings to Colstrip. PTI would have a statewide authority to pursue Dixon Bros. business, and a certificate to sell to another carrier to compete statewide for the limited traffic. Mr. Knittel responded to a Commissioner's questioning that Dixon Bros. loss of business resulted from a marketing company replacing it with a private fleet, once the common carrier had built the traffic and serviced the area. Dixon Bros. lost \$150,000 in revenue.

DISCUSSION AND FINDINGS

33. Pursuant to Title 69, Chapter 12, Montana Code Annotated (MCA) the Commission supervises and regulates intrastate motor carrier service. .69-12-201, MCA. The maintenance of an adequate common carrier motor transportation system has been declared a public purpose. . 69-12-202, MCA. To obtain motor carrier operating authority requires an application to the Commission and a hearing whenever a protest is filed or a request for a hearing is received. . 69-12-321, MCA.

34. Section 69-12-323, MCA, governs the requirements for a

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Commission on whether an application should be granted.

(2) (a) If after hearing upon application for a certificate, the commission finds from the evidence that public convenience and necessity require the authorization of the service proposed or any part thereof, as the commission shall determine, a certificate therefor shall be issued. In determining whether a certificate should be issued, the commission shall give reasonable consideration to the transportation service being furnished or that will be furnished by any railroad or other existing transportation agency and shall give due consideration to the likelihood of the proposed service being permanent and continuous throughout 12 months of the year and the effect which the proposed transportation service may have upon other forms of transportation service which are essential and indispensable to the communities to be affected by such proposed transportation service or that might be affected thereby.

35. The Commission has interpreted . 69-12-323, MCA, as requiring it to address these issues before granting an application for authority:

1. Is the applicant fit and able to perform the proposed service?
2. Does the public convenience and necessity require the authorization of the proposed service?
3. Can and will existing carriers meet the public need for

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the proposed service?

4. Would the proposed service have an adverse impact on existing transportation service?

36. In determining public convenience and necessity, the Commission has traditionally followed the analysis of Pan-American Bus Lines Operation, 1 M.C.C. 190 (1936).

The question, in substance, is whether the new operation or service will serve a useful public purpose, responsive to a public demand or need; whether this purpose can and will be served as well by existing lines of carriers; and whether it can be served by applicant with the new operation or service proposes without endangering or impairing the operations of existing carriers contrary to the public interest. 1 M.C.C. at 203.

37. Following this traditional analysis, the Commission finds that this Application for a Class C Certificate of Public Convenience authorizing statewide transportation of liquified petroleum gas should be denied. With this denial, the motion to dismiss is moot. However, the Commission also finds that the motion to dismiss had substantial merit and could have been granted, in the alternative. PTI failed to establish a need that it could meet which Amerigas was not meeting. Conversely, the shipper Amerigas failed to demonstrate a need for a carrier with

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statewide authority to haul more than propane gas.

38. In analyzing the application, the Commission finds that PTI is fit and able to provide the service. It would be acquiring the very equipment Amerigas, its parent company, has used to meet its own needs. It has the financial resources available and an impressive equipment list, some already purchased from Amerigas and the rest to be purchased at market value, if the application were granted.

39. However, impressive PTI's equipment and financial status may be, it is overkill for the need it proposes to fulfill for Amerigas. The public convenience and necessity do not require statewide authority to transport liquid petroleum gas, even for the one contract with Amerigas. Amerigas has hauled propane by private carriage up to 100 loads per year between Billings Conoco and Colstrip, Montana for Montana Power Company. Propane is only one of several gases subsumed under liquified petroleum gas. Amerigas's demonstrated need is limited to this 125 mile one-way trip in the southeastern corner of Montana for propane transportation. The testimony is replete that one unit of equipment could handle this intrastate need, with another unit as a backup. Amerigas was prepared to reserve these two units to meet its needs

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if the application was not granted. Any greater need than this limited transportation of propane is ephemeral and speculative. The record does not support a statewide authority for liquified petroleum gas, even for this one contract.

40. Authorizing the proposed service would affect existing carriers, particularly the Protestant Dixon Bros. Inc. The Protestant would lose little actual business from Amerigas because neither Amerigas nor PTI would tender more than a slim percentage of the traffic. But both Amerigas and PTI's witnesses stated the companies' intentions to expand their businesses. Under a statewide authority for liquified petroleum gas they could offer to haul more than propane. One by one, PTI could apply for additional contracts, based on a larger authority than it now needs. Dixon Bros. has already lost \$150,000 in annual revenues in a company's conversion to private carriage. The business is tight and cannot afford the additional competition.

41. The Commission finds that Dixon Bros. can and is willing to meet the existing need. It has the equipment which it can keep at its terminal in Billings. The Commission is not persuaded that Amerigas needs state of the art billing and satellite communication from its carrier for this 125 mile one-way

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trip. This service does not serve a useful public purpose, responsive to a public demand or need. PTI did not demonstrate that a limousine is needed when a taxi will do. However, Dixon Bros. could certainly rise to the occasion as it very much could use the business. It has always been ready and able to fulfill this need.

42. Before addressing points made in parties' briefs, the Commission will discuss the question of PTI's proposed higher contract tariff. PTI and Amerigas did not refute Mr. Knittel's testimony that under the Dixon Bros. tariff the 100 loads of propane gas would cost \$10,000 less in transportation costs per year. The Commission does not have available the agreement between Montana Power Company and Amerigas. Therefore, the Commission does not know whether the terms include one price for the delivered propane, or instead transportation costs are separated out. Granting this application might have enabled Amerigas to shift these revenues from its propane sales to its transportation subsidiary, thus minimizing its sales revenues. Since Montana intrastate authority for PTI is not granted, this question is moot. However, the Commission, wearing a utility regulation hat, is concerned that Montana Power's customers may be

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paying excessively for this transportation expense.

43. PTI failed to meet its burden to demonstrate that public convenience and necessity require the proposed service, as discussed in this order. Amerigas's conversion from private to contract carrier does not justify a statewide grant for liquified petroleum gas. Amerigas can and will meet its demonstrated need with two carrier units, one unit a back-up. Applicant cites Jack Walters and Sons Corp. v. Morton Building, Inc., 737 F. 2d 698, 710-711, to support a claim that this conversion would promote competition, motivating "suppliers" to sharpen their pencils. "If there are cost savings from bringing into the firm a function formerly performed outside it, the firm will be made a more effective competitor." *Id.* (Applicant's Brief, P. 13.) Applicant's citation has nothing to do with the public convenience and necessity of the shipper. In fact, Amerigas proposes, instead of taking on a function, to parcel out the transportation function it has performed to a wholly owned subsidiary.

44. Protestant Dixon Bros. made a number of persuasive arguments. The Commission is denying the Applicant the authority on the basis of conventional regulatory concepts. Therefore, the Commission will not address the question of "vertical

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integration." The Commission notes, however, its concern that Amerigas has attempted to use a very limited need for a very limited area as a means to obtain statewide authority to haul more than it has been hauling, i.e., to go from propane to the full array of liquified petroleum gas.

45. The record and Protestant's briefs support the following findings: (1) PTI has failed to meet its burden of proof that the public convenience and necessity requires this authority to provide a new regulated transportation service in Montana; (2) Dixon Bros. Inc., an existing carrier, would be harmed by the entry of a new statewide carrier; and (3) Dixon Bros. can and is willing to meet the need the proposed statewide service, but additionally is more than able to meet the actual limited need for service from Billings to Colstrip.

CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and matters in this proceeding pursuant to Title 69, Chapter 12, Montana Code Annotated.

2. The Commission has provided adequate notice and opportunity to be heard to all interested parties in this matter.

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3. Applicant has failed to demonstrate a public demand or need for the service as proposed. Further, Applicant has failed to demonstrate that existing carriers cannot meet the demonstrated limited need as well as the Applicant in common carriage, or Amerigas, in private carriage.

4. The proposed service would have an adverse impact on existing transportation service.

ORDER

NOW THEREFORE IT IS ORDERED that the application in Docket No. T-9938 shall be DENIED for the following authority:

Class C - Liquified petroleum gas between all points and places in the State of Montana. Limitations: Transportation is limited to the account of Amerigas Propane, Inc. or its successor in interest.

Done in Open Session this 10th day of June, 1993 by a vote of
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BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

DANNY OBERG, Chairman

DAVE FISHER, Commissioner

NANCY MCCAFFREE, 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.