

December 16, 2009

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

In the Matter of the Possible Adoption) TRANSPORTATION DIVISION
Of Rules Clarifying Issues in the Passenger)
Transportation Industry of Montana) DOCKET NO. T-09.43.OTH

NOTICE OF ROUNDTABLE DISCUSSION
ON PASSENGER TRANSPORTATION INDUSTRY ISSUES

On February 2, 2010, beginning at 1:15 pm, the Montana Public Service Commission (Commission) will host a roundtable discussion at the Commission's offices, Bollinger Conference Room, 1701 Prospect Avenue, Helena, Montana, to discuss issues related to issues relevant to the passenger carrier industry in the State of Montana.

Background

On September 15, 2009, the Commission voted to conduct a Roundtable Discussion to address a number of issues associated with the passenger transportation industry in Montana. Based on input/comments at the contemplated Roundtable, the Commission may conduct a rulemaking proceeding, fashion proposed legislation, or take other steps deemed prudent as a result of the Roundtable discussions and filed comments.

The Commission sees a need to clarify what constitutes “a federally preempted charter bus operation” as a result of its decision in the so-called Classic Limo formal complaint proceeding against Montana Mountain Express (Order No. 6962b, Docket No. T-08.40.Com. This decision is posted on the Commission’s website for the convenience of all interested persons.¹ The Commission also sees a need to clarify what impact the Classic Limo decision had on the Commission’s 1998 Memorandum that provided the industry with the initial Commission interpretation of the federal legislation (The

¹ On the Montana Public Service Commission web site’s home page, click on “e documents;” then click under “Current;” then click on “Documents for Passenger Round Table Discussion.” Both Order No. 6962b and the July 22, 1998 Charter Memorandum are posted at this location.

Transportation Equity Act of 1998---see 47 U.S.C. § 14501) that preempted charter bus operations from state regulation. While the Commission will entertain comments/discussion on these topics, any clarification of these issues in a rulemaking, will likely have to await the currently-pending appeal by Classic Limo of Commission Order No. 6962b.

Other Identified Issues

The Commission invites any and all Class B Montana motor carriers and any other interested persons to comment on the following identified issues:

1. Should the Commission adopt a rule that defines “limousine” service and/or “taxicab service? Must any definition of such services address the type of vehicle that can be used in the provision of such services? If yes, please provide suitable definitions;
2. Should limousines be required to have a specific minimum lead time before providing service?
3. To be considered a limousine service, must the operator charge “premium” rates? If yes, should limousine operators be required to file with the Commission a minimum hourly rate?
4. Should taxicabs be required to have a meter?
5. Should passenger carriers (or all regulated motor carriers) pay the Public Service Commission tax?
6. Should the Public Service Commission seek legislative authorization to hire additional enforcement officers and auditors?
7. Is there specific motor carrier legislation that you think needs to be presented to the next Montana Legislature?
8. Should entry into the field of intrastate passenger transportation service continue to be regulated?
9. Are there other passenger motor carrier issues that you believe call for rulemaking or legislation?

The Commission asks that stakeholders provide comments on the issues set forth above by **Monday, January 18, 2010**. The Commission will attempt to post comments received on its website to assist all participants to prepare for the Roundtable discussion.

Failure to file comments will hamper participant and Commission preparation and will likely extend the time of the Roundtable, therefore the Commission encourages the filing of comments before the Roundtable.

Done this 16th day of December, 2009.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

GREG JERGESON, Chair
KEN TOOLE, Vice Chair
GAIL GUTSCHE, Commissioner
BRAD MOLNAR, Commissioner
JOHN VINCENT, Commissioner