Service Date: April 9, 1979

READING FILE

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

* * * * *

IN THE MATTER of the Application of the CITY OF BOZEMAN for authority to Increase Rates for Water Services and Revise Rules and Regulations.	DOCKET NO. 6637 ORDER NO. 4499

FINDINGS OF FACT

1. On December 22, 1978 the CITY OF BOZEMAN (Applicant) filed a petition with the Montana Public Service Commission requesting an increase in its water rates and to revise its rules and regulations.

2. The additional revenue would be used to defray costs for extension, expansion, repair and improvement of the facilities and to defray increased costs of operation.

3. A public hearing was scheduled for February 21, 1979 and a notice was issued.

4. On February 13, 1979, the Applicant filed a request to continue the hearing scheduled for February 21, 1979, as a revised filing was contemplated.

5. On February 13, 1979 the Commission granted the request to continue and a news release was issued on February 14, 1979.

6. The hearing was rescheduled for May 1, 1979.

7. On March 26, 1979 the Commission received another request from the Applicant to vacate the hearing dates and continue the docket indefinitely.

8. The Commission granted this request on March 26,

1979.

CONCLUSIONS OF LAW

1. The Applicant's rates are subject to the jurisdiction of this Commission under Section 69-1-103 et seq., MCA (Section 70-101, et seq., RCM 1947).

2. The terms of the nine month deadline within which the Commission must render a final decision are mandatory. 69-3-302, MCA (Section 70-113, RCM 1947).

3. It is uncertain whether grant of an indefinite continuance in this case, thereby in all likelihood resulting in a final decision rendered more than nine months after application, is contrary to the legislative intent of 69-3-302, MCA (Section 70-113, RCM 1947).

ORDER

1. The application filed by the City of Bozeman is dismissed without prejudice in order to provide the Commission and the Applicant proper time to process the application.

DONE IN OPEN SESSION the 9th day of April, 1979 by a 5 - 0 vote.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

Gordon E. Bollinger, Chairman

Clyde Jarvis, Commissioner

Thomas J. Schneider, Commissioner

James R. Shea, Commissioner

George Turman, Commissioner

ATTEST:

Madeline L. Cottrill
Secretary

(SEAL)

NOTICE: You are entitled to judicial review of the final decision in this matter. If no Motion For Reconsideration is filed, judicial review may be obtained by filing a petition for review within thirty (30) days from the service of this order. If a Motion For Reconsideration is filed, a Commission Order is final for purpose of appeal upon the entry of a ruling on that motion, or upon the passage of ten (10) days following the filing of that motion. cf. The Monana Administrative Procedure Act, esp. 2-4-702, MCA; and Commission Rules of Practice and Procedure, esp. 38-2.2 (64)-P2750, ARM.