

MONTANA PUBLIC SERVICE COMMISSION UPDATE TO
THE ENERGY & TELECOMMUNICATIONS INTERIM COMMITTEE
STATUS OF LITIGATION

September 9, 2025

1. *Noland v. State of Montana, et al.*, Cause No. DA 24-0369
(Montana Supreme Court)

- This case concerns the constitutionality of the statutory system of motor carrier regulation as it applies to garbage haulers. Plaintiff alleges that the statute and Commission precedent governing the issuance of certificates of public convenience and necessity unconstitutionally interferes with the plaintiff's ability to start a garbage hauling business.
- The Montana Department of Justice is representing the State, including the Commission, in this case, which was filed on November 15, 2022.
- On February 8, 2024, the District Court granted summary judgment to the State.
- On June 12, 2024, Noland filed a Notice of Appeal. Briefing ended on February 3, 2025.
- The case was originally classified for a decision from a panel of five justices, but was subsequently reclassified for a decision from the full Court. A decision is expected in the coming weeks.

2. *Held v. State of Montana*, Cause No. DA 23-0575 (Montana Supreme Court)

- The Montana Department of Justice is representing the State, including the Commission, in this case, which was filed on March 13, 2020.
- This case concerns the constitutionality of the state energy policy at Mont. Code Ann. § 90-4-1001 (now repealed) and the Montana Environmental Policy Act ("MEPA") at Mont. Code Ann. § 75-1-201, however, the Commission is not involved in the implementation of Mont. Code Ann. § 75-1-201.
- After the 2023 Montana Legislature repealed Mont. Code Ann. § 90-4-1001 (effective March 16, 2023), the Court granted the State's motion to dismiss claims based on that statute.
- No witnesses from the Commission or Department of Public Service Regulation were called during the trial in June 2023. The District Court decided the case in favor of the Plaintiffs on the remaining MEPA claim, but recognized that the Commission is exempt from MEPA.
- The Montana Supreme Court issued its opinion on December 18, 2024, which affirmed the District Court's decision.

- The case is now on remand to the District Court, where the State has disputed the Plaintiffs' motion for attorney fees.

3. *Allied Waste Services of N.A. v. Mont. Pub. Serv. Comm'n* , Cause No. DV-25-2025-0000076-JR (Montana 1st Judicial District Court)

- On February 5, 2025, Allied Waste Services (d/b/a Republic Services of Montana) filed a petition for judicial review of the Commission's decision to grant a Class D Certificate of Public Convenience and Necessity to MT Roll Offs, LLC.
- MT Roll Offs, LLC was granted intervention on February 14, 2025.
- Allied Waste Services' opening brief is due on September 16, 2025.
- Briefs from the Commission and MT Roll Offs, LLC are due October 16, 2025.
- Republic's Reply Brief is due October 30, 2025.
- Oral argument will be scheduled at the request of any party.