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

May 6, 2026

1. *Noland v. State of Montana, et al.*, Cause No. DV-15-2022-0001308-CR (Mont. 11th Jud. Dist. Court)

- The Montana Department of Justice is representing the State in this case.
- This matter concerns the constitutionality of the state's statutory system of garbage hauling regulation. The Montana Motor Carrier Act allows existing garbage haulers to protest applications for new authority and requires that the Commission consider whether public need for a new authority exists. Plaintiff alleges that state law and Commission precedent unconstitutionally interfere with his ability to start a garbage hauling business.
- On February 8, 2024, the District Court granted summary judgment to the State.
- On December 23, 2025, the Montana Supreme Court reversed the District Court's denial of Plaintiff 's facial constitutional challenge because the decision was incorrectly based on the outcomes of prior applications instead of the application process itself.
- The Supreme Court affirmed the District Court's denial of Plaintiff's as-applied constitutional challenge due to Plaintiff's lack of standing because Plaintiff voluntarily withdrew from the application process before it was finished.
- The case has been remanded to the Flathead County District Court. The District Court ordered that supplemental briefing shall be filed by May 15, 2026, and rebuttal briefs shall be filed by May 29, 2026.

2. *Allied Waste Services of N.A. v. Mont. Pub. Serv. Comm'n and MT Roll Offs, LLC*, Cause No. DV-25-2025-76-JR (1st Jud. Dist. Court)

- On February 5, 2025, Allied Waste Services d/b/a Republic Services of Montana (Republic) filed a petition for judicial review of the Commission's decision to grant garbage hauling authority to MT Roll Offs, LLC. The authority at issue is for construction roll-off service in Yellowstone, Carbon, Stillwater, Musselshell, and Golden Valley counties.
- Republic argues the Commission was without jurisdiction to issue its final order in the docket, that the Commission's decision was not supported by substantial evidence, and that MT Roll Offs did not meet its evidentiary burden to prove the required elements for a Class D Certificate of Public Convenience and Necessity.

- The District Court heard oral argument from the parties April 20, 2026, and the case has been submitted for a final decision.

3. *Allied Waste Services of N.A. v. Mont. Pub. Serv. Comm'n and L&L Site Servs., Inc.*, Cause No. DV-25-2026-04-JR (1st Jud. Dist. Court)

- On January 5, 2026, Republic Services of Montana filed a petition for judicial review of the Commission's grant of garbage hauling authority to L&L Site Services, Inc. d/b/a Grizzly Disposal and Recycling (L&L). The authority at issue is for garbage hauling in certain portions of Lake and Flathead counties.
- Republic argues the Commission erred as a matter of law and abused its discretion in not allowing Republic to file a Motion for Reconsideration, when it was not a party to the docket, and not issuing a second notice of application and protest deadline after L&L moved to reduce its requested service territory.
- On January 23, 2026, Republic filed an Application for Preliminary Injunction, Temporary Restraining Order, and Order to Show Cause. After the parties fully briefed the matter, the District Court granted the Temporary Restraining Order on April 27, 2026, and set a hearing on the Preliminary Injunction for May 18, 2026.