

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

March 26, 2026

1. *Noland v. State of Montana, et al., Cause No. DV-15-2022-0001308-CR (Mont. 11<sup>th</sup> 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 Motor Carrier Act allows existing garbage haulers to protest applications for new authority and requires the Commission to consider whether public need for a new service 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, and the parties are waiting for the Court to set a scheduling conference.
  
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 (1<sup>st</sup> 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.
  - After the parties finished briefing the issues in the case in October 2025, the District Court set oral argument for April 20, 2026.

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 (1<sup>st</sup> 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. The parties filed responsive briefs in February 2026 and await further action from the Court.