

LOUISIANA PUBLIC SERVICE COMMISSION

ORDER NO. T-34201

LPSC V. THOMAS OILFIELD SERVICES, LLC (LONGVIEW, TX)

Docket No. T-34201 In re: Alleged violation of La. R.S. 45:161 through 180.1, by operating Intrastate without LPSC authority on twenty-two (22) counts; allegedly occurring on or about June 02, 2016 through June 16, 2016.

(Decided at the Commission's Business and Executive Session held January 18, 2017.)

Overview

On August 11, 2016, Louisiana Public Service Commission ("LPSC" or "Commission") Staff issued a citation to Thomas Oilfield Services, LLC (Longview, TX) ("Thomas") for hauling waste regulated by LPSC without authority on twenty-two (22) counts. Thomas then admitted to eleven (11) additional counts of operating without LPSC authority.

Jurisdiction

The Commission exercises jurisdiction over public utilities and common carriers in Louisiana pursuant to Article IV, Section 21(B) of the Louisiana Constitution, which states:

The commission shall regulate all common carriers and public utilities and have such other regulatory authority as provided by law. It shall adopt and enforce reasonable rules, regulations and procedures necessary for the discharge of its duties, and shall have other powers and perform other duties as provided by law.

Louisiana Revised Statute 45:164(A) prohibits common carriers from operating without a certificate from the Commission.

Except as provided by Subsection C of this Section, no motor carrier, ... shall operate as a common carrier without first having obtained from the commission a certificate of public convenience and necessity...

Background & Summary of Violation

Thomas is an equipment rental company that does not hold LPSC authority to provide transportation of waste. As part of an LPSC Transportation Division manifest audit, in conjunction with the office of Conservation, UIC-28 manifests were received and reviewed from the Republic Services facility in Webster Parish. Upon review of the documentation, Staff discovered twenty-two (22) loads of waste regulated by the LPSC that were hauled by Thomas. As a result, a Citation was issued. Thomas then admitted to eleven (11) additional counts of hauling waste regulated by LPSC without authority, occurring on or about June 1, 2016 through June 18, 2016. This is Thomas' first offense.

Stipulation

In response to the citation, Thomas signed an Affidavit and Stipulation admitting to the thirty-three (33) total violations and agreed to a fine of \$66,000, with \$56,100 being suspended conditioned on Thomas not committing any additional violations for a period of one (1) year from the date of the executed Affidavit and Stipulation, together with a \$25.00 citation fee for a

total fee of \$9,925; to be paid in two (2) equal payments of \$4,962.50 on January 13, 2017 and February 13, 2017, respectively.

Thomas will continue to pursue statewide authority to haul non-hazardous oilfield waste for disposal in LPSC Docket No. T-34240.

Commission Consideration

On motion of Vice Chairman Skrmetta, seconded by Chairman Angelle, and unanimously adopted, the Commission voted to assert its original and primary jurisdiction under Rule 57 to consider the Stipulation. On motion by Vice Chairman Skrmetta, seconded by Chairman Angelle, with Commissioner Campbell and Commissioner Boissiere concurring, and Commissioner Francis abstaining, the Commission voted to approve the Affidavit and Stipulation executed on January 5, 2017.

IT IS THEREFORE ORDERED THAT:

1. The Affidavit and Stipulation executed on January 5, 2017 by Thomas for fines and fees totaling \$9,925.00 is approved; and
2. This Order is effective immediately.

**BY ORDER OF THE COMMISSION
BATON ROUGE, LOUISIANA**

February 3, 2017

/S/ SCOTT A. ANGELLE

DISTRICT II

CHAIRMAN SCOTT A. ANGELLE

/S/ ERIC F. SKRMETTA

DISTRICT I

VICE CHAIRMAN ERIC F. SKRMETTA

/S/ FOSTER L. CAMPBELL

DISTRICT V

COMMISSIONER FOSTER L. CAMPBELL

/S/ LAMBERT C. BOISSIERE, III

DISTRICT III

COMMISSIONER LAMBERT C. BOISSIERE, III



EVE KHAO GONZALEZ
SECRETARY

ABSTAINS

DISTRICT IV

COMMISSIONER MIKE FRANCIS