

LOUISIANA PUBLIC SERVICE COMMISSION

ORDER NUMBER T-37342

FERRARA TRANSPORT SERVICES, LLC
EX PARTE

Docket No. T-37342, In re: Application for a Common Carrier Certificate of non-hazardous oilfield waste, non-hazardous industrial solid waste and hazardous waste for disposal, statewide.

(Decided October 23, 2024.)

ORDER

Background

Ferrara Transport Services, LLC (“Ferrara Transport” or “Applicant”) filed an application (“Application”) with attachments on July 19, 2024, seeking from the Louisiana Public Service Commission (“LPSC” or “Commission”) a common carrier certificate authorizing it to transport non-hazardous oilfield waste, non-hazardous industrial solid waste, and hazardous waste for disposal, statewide. Notice of the Application was published in the Commission’s *Official Bulletin* on August 16, 2024, for a 15-day intervention period. No interventions were filed.

At a status conference on September 18, 2024, representatives of the Applicant and the Commission Staff agreed to a procedural schedule that was included in the *Report of Status Conference* issued on the same day. Pursuant to the schedule, Ferrara Transport and Commission Staff filed their pre-hearing statements on October 9 and October 7, 2024, respectively. When this matter was called on October 17, 2024, Ferrara Transport and Commission Staff jointly moved to continue the hearing until October 21, 2024. The joint motion was granted and a *Ruling on Joint Motion to Continue and Notice of Rescheduled Hearing Date* was issued that same day. As there are no intervenors and Commission Staff supports the Application, the Application is considered unopposed.

Jurisdiction and Applicable Law

The Commission derives its jurisdiction over common carriers and public utilities from the Louisiana Constitution of 1974. Article IV, Section 21(B) of the Constitution provides, in pertinent part, that:

[t]he [C]ommission 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.

In addition, La. R.S. 45:163 provides that “[t]he [C]ommission has the power and authority necessary to supervise, govern, regulate, and control motor carriers...which transport household goods, passengers, or waste intrastate and to fix reasonable and just rates, fares, tolls, or charges for the commodities furnished or services rendered by such motor carriers.” La. R.S. 45:164 states that “[n]o motor carrier of waste shall operate without first having obtained from the [C]ommission a common carrier certificate or contract carrier permit.” La. R.S. 45:164(B) provides that an applicant for a common carrier certificate, contract carrier permit, or expansion of authority granted in an existing certificate must prove fitness by proving all of the following:

- (1) The applicant holds, or is capable of acquiring, an insurance policy that complies with [C]ommission rules.
- (2) The applicant has the financial ability to provide the transportation of waste for disposal in a safe and efficient manner.
- (3) The applicant holds, or is capable of acquiring all the necessary authorizations required by any and all regulatory authorities for the transportation of waste for disposal.
- (4) The applicant holds, or is capable or [sic] acquiring for use, equipment and man power to provide transportation services in a safe and efficient manner.
- (5) The applicant has in place, or is capable of establishing, a safety program necessary for the safe and efficient transportation of waste for disposal.

The Commission’s *General Order* dated January 23, 2018 incorporated the above requirements into Rule 33 of the Commission’s *Rules of Practice and Procedure*, which now reads (in pertinent part) as follows:

- A. An applicant applying for a common carrier certificate, contract carrier permit, or expansion of authority granted in an existing certificate or permit authorizing the transportation of non-hazardous oilfield waste, hazardous waste or non-hazardous industrial solid waste shall prove fitness...in a hearing before an administrative law judge or hearing officer by proving that the applicant:
 1. holds, or is capable of acquiring, an insurance policy providing coverage of two hundred fifty thousand dollars for injury or death per person or five hundred thousand dollars per occurrence, and ten thousand dollars property damage,
 2. has the financial ability to provide the transportation of waste for disposal in a safe and efficient manner,
 3. holds, or is capable of acquiring, all of the necessary authorizations required by any and all regulatory authorities for the transportation of waste for disposal[,]
 4. holds, or is capable of acquiring for use, equipment and man power to provide transportation services in a safe and efficient manner, and

5. has in place, or is capable of establishing, a safety program necessary for the safe and efficient transportation of waste for disposal.

...

- D. The provisions of this rule are applicable to all applications for common carrier certificates and contract carrier permits of waste and all applications for expansion of existing waste authority, including those applications which are presently pending before the Commission but have not yet gone to hearing on the merits.
- E. All restrictions on existing certificates or permits are valid until expansion of authority is applied for and a new certificate or permit is granted. However, any restrictive language in any existing common carrier certificate or any contract carrier permit of waste that prevents the carrier from applying for expanded authority for any period of time is null and void...
- F. Certificates or permits issued after the adoption of this rule shall not contain restrictions.

The Hearing

A hearing on the Application was convened on October 21, 2024, at which Ferrara Transport appeared through Chris Ferrara and Commission Staff appeared through counsel.

Testimony and Evidence Presented by the Applicant

In support of its Application, Ferrara Transport presented the testimonies of Chris Ferrara, Joshua McMichael, and Jonathan Usky.

Testimony of Chris Ferrara

Mr. Ferrara is the founder of Ferrara Transport who, since its formation, has been its sole member, President and Chief Executive Officer, and manager of the day-to-day operations. Mr. Ferrara testified regarding his employment background. Mr. Ferrara provided an overview of the Applicant's operations. Ferrara Transport is a Louisiana limited liability company formed in November 2009,¹ with its corporate office and a terminal in Baton Rouge, Louisiana, and a terminal in Houston, Texas. The Applicant currently operates in Louisiana, Texas, Mississippi, Alabama, and Florida providing hotshot services primarily for contractors and equipment rental companies, and transportation of oversized loads and construction equipment. The Applicant is seeking the requested authority to expand its business offerings to its existing customers. Ferrara Transport does not presently hold any LPSC authority. The Applicant has 82 employees, 60 of which are drivers. All of the Applicant's employees are based in Louisiana, except for eight Houston-based employees, four of which are drivers.

¹ The Applicant was initially formed and registered to do business in Louisiana as "All Star Hotshot, L.L.C." but changed its name to "Ferrara Transport Services, LLC" effective January 1, 2014.

Mr. Ferrara testified regarding the Applicant's financial condition, identifying documents depicting the Applicant's finances, asserting that the Applicant is financially able to provide safe and efficient transportation of waste, and stating there are no financial factors that would limit that ability. According to Mr. Ferrara, the Applicant has not filed for bankruptcy, has had no issues with payroll, has not been the subject of a tax audit, and is current on federal and state tax filings. As the owner, Mr. Ferrara stated that he is willing and able to contribute capital to Ferrara Transport if needed.

Mr. Ferrara confirmed that Ferrara Transport is in good standing with the Louisiana Office of Secretary of State and state and federal regulatory agencies. Mr. Ferrara stated that the Applicant holds or is capable of acquiring all necessary authorizations required by regulatory authorities for the transportation of waste for disposal. Mr. Ferrara confirmed his understanding of myriad Commission rules and regulations, including filing annual reports and paying inspection and supervision fees. Per Mr. Ferrara, the Applicant intends to fully comply with all of the Commission's regulations. Mr. Ferrara indicated that the Applicant has or is willing to acquire the necessary permits, equipment, finances, and personnel for the transportation of LPSC-regulated waste in a safe, efficient, and LPSC-compliant manner.

Testimony of Joshua McMichael

Mr. McMichael is the Operations Manager for the Applicant whose duties include monitoring drivers, managing dispatchers, coordinating with the accountants regarding bills of lading, and managing safety. Mr. McMichael stated he was initially employed by the Applicant in 2018 for approximately one year, and rejoined Ferrara Transport in 2023. Mr. McMichael testified regarding his employment background.

Mr. McMichael testified regarding the Applicant's equipment. According to Mr. McMichael, the Applicant will use two trucks and one trailer to transport LPSC-regulated waste. Mr. McMichael stated the Applicant does not plan to utilize owner-operators to haul LPSC-regulated waste, but does use them for its other services. Mr. McMichael indicated that he understands the LPSC rules regarding owner-operators. Mr. McMichael addressed the Applicant's maintenance policies and practices, including pre- and post-trip inspections, maintenance schedules, and maintenance documentation. Mr. McMichael provided that all equipment to be used by the Applicant for transportation of LPSC-regulated waste is in good working order. According to Mr. McMichael, the Applicant's trucks are equipped with Whip Around maintenance

software, Samsara electronic logging devices, GPS and forward-facing cameras, and are governed to 75 miles per hour.

Mr. McMichael addressed Ferrara Transport's safety policies and practices. Mr. McMichael identified and provided an overview of the Applicant's *Fleet Safety Manuel* [sic] and *Drug and Alcohol Policy Statement*, which are provided to all employees who must sign an acknowledgment it has been provided. Mr. McMichael discussed the Applicant's drug and alcohol and cell phone policies Mr. McMichael stated that the Applicant holds quarterly safety meetings which are mandatory for drivers and dispatchers. The safety meetings are currently held at the Baton Rouge terminal and attendance is documented. Mr. McMichael identified and discussed various safety and regulatory documents for Ferrara Transport.² Mr. McMichael confirmed that Ferrara Transport does not have any violations with state or federal regulatory agencies.

Mr. McMichael testified regarding the Applicant's driver hiring and training practices. Driver applicants meet with Mr. McMichael, complete an application, undergo motor vehicle and criminal background checks and submit to drug and alcohol screening. According to Mr. McMichael, the Applicant only hires drivers with a minimum of two years of experience as a Class A CDL driver who are at least 25 years old. New driver hires must read and review the *Company's Fleet Safety Manuel* [sic] and undergo a driving test before being hired. Once hired, drivers are trained on Ferrara Transport's policies and practices.

Testimony of Jonathan Usky

Mr. Usky is the President and Producer of RIG Insurance Group, founded in 2014. Mr. Usky testified that his duties include operations, coverages, and new products. He testified further that he facilitates customers' needs including advising customers following an accident, assisting in establishing new lines of coverage and increasing existing coverage, etc. Mr. Usky stated that he has served waste transportation customers for approximately 15 years.

Mr. Usky identified an *ACORD Certificate of Liability Insurance* showing the Applicant as the insured and confirmed that the policies listed are current, insure all of Ferrara Transport's equipment and drivers, meet and exceed the minimum requirements, and will be renewed on or before expiration. Mr. Usky confirmed his understanding of the Commission's requirement to maintain proof of insurance on file with the Commission through a Form E.

² Several of the documents identified by Mr. McMichael and admitted as Applicant's Exhibit D, *in globo* spell the Applicant's name as "Ferrara Transport Services LLC" omitting the comma.

In connection with their testimonies, the witnesses identified the following exhibits which were admitted:

- Exhibit A, *in globo* The *Waste by Motor Vehicle Application* filed by Ferrara Transport Services, LLC on July 19, 2024, with public attachments (excluding safety manual).
- Exhibit B, *in globo* The following financial documents for Ferrara Transport Services, LLC (**admitted confidentially under seal**):
- Balance Sheet as of December 31, 2022
 - Profit & Loss, January - December 2022
 - Balance Sheet as of December 31, 2023
 - Profit & Loss, January - December 2023
 - Balance Sheet as of July 31, 2024
 - Profit & Loss, January - July 2024.
- Exhibit C, *in globo* Ferrara Transport Services, LLC's *Ferrara Transport Services Fleet Safety Manual* [sic] and *Drug and Alcohol Policy Statement*.
- Exhibit D, *in globo* The following safety and regulatory documents for Ferrara Transport Services, LLC:
- *Company Snapshot* for 24 months prior to October 7, 2024
 - *Company Snapshot* for 24 months prior to October 16, 2024
 - International Fuel Tax Agreement License expiring December 31, 2024, issued to Ferrara Transport Services[,] LLC by Louisiana Department of Revenue
 - International Registration Plan Account Renewal expiring August 31, 2025, for Ferrara Transport Services[,] LLC issued by Louisiana Department of Public Safety and Corrections, Office of Motor Vehicles
 - 2024 Unified Carrier Registration expiring December 31, 2024, for Ferrara Transport Services[,]LLC
 - Schedule of Heavy Highway Vehicles, Schedule 1 (Form 2290) for the period ending June 30, 2025
 - Hazardous Materials Certificate of Registration expiring June 30, 2026, for Ferrara Transport Services, LLC issued by U.S. DOTD, Pipeline and Hazardous Materials Safety Administration. And,
- Exhibit E, *in globo* *LPSC Staff's First Set of Data Requests to Ferrara Transport Services, LLC* with responses thereto, and *LPSC Staff's Second Set of Data Requests to Ferrara Transport Services, LLC* with responses thereto.

Commission Staff's Position

The Commission Staff expressed its support for the Application in its pre-hearing statement and confirmed at the hearing that there are no LPSC regulatory issues with the Applicant and that it supports the Application.

Conclusion

Having considered the Application of Ferrara Transport, the testimony and evidence presented in support of the Application, the directives of the Commission’s *General Order* dated January 23, 2018, Rule 33 of the Commission’s *Rules of Practice and Procedure*, and other applicable law, we find that Ferrara Transport has established its fitness to operate and that a common carrier certificate should be issued to the Applicant as requested.

Accordingly, **IT IS HEREBY ORDERED** that Ferrara Transport Services, LLC be issued a common carrier certificate authorizing operation in Louisiana intrastate commerce as a common carrier of non-hazardous oilfield waste, non-hazardous industrial solid waste, and hazardous waste for disposal, statewide.

IT IS FURTHER ORDERED that the issuance of the common carrier certificate is conditioned upon the full compliance of Ferrara Transport Services, LLC with the laws of the State of Louisiana and the rules and regulations of the Louisiana Public Service Commission.

BY ORDER OF THE COMMISSION
BATON ROUGE, LOUISIANA
October 24, 2024



A handwritten signature in blue ink, appearing to read "Brandon M. Frey".

BRANDON M. FREY
SECRETARY

/S/ MIKE FRANCIS
DISTRICT IV
CHAIRMAN MIKE FRANCIS

/S/ DAVANTE LEWIS
DISTRICT III
VICE CHAIRMAN DAVANTE LEWIS

/S/ FOSTER L. CAMPBELL
DISTRICT V
COMMISSIONER FOSTER L. CAMPBELL

/S/ ERIC F. SKRMETTA
DISTRICT I
COMMISSIONER ERIC F. SKRMETTA

/S/ CRAIG GREENE
DISTRICT II
COMMISSIONER CRAIG GREENE