

# LOUISIANA PUBLIC SERVICE COMMISSION

ORDER NO. T-33957

## LOUISIANA PUBLIC SERVICE COMMISSION VERSUS WARHORSE VACCUM SERVICES, LLC (JOAQUIN, TEXAS)

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*In re: Alleged violation of La. R.S. 45:161 through 180.1, by operating intrastate without LPSC authority on seven (7) counts; allegedly occurring on or about October 31, 2015 through November 1, 2015.*

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(Decided at the April 28, 2016 Business and Executive Meeting)

### ***Background***

Warhorse Vacuum Services, LLC (“Warhorse”) is a Texas company not authorized to haul waste in Louisiana. In response to a complaint, the Louisiana Public Service Commission (“LPSC” or “Commission”) Staff investigated manifests from the MBO, Inc. disposal facility in Lacassine, Louisiana. During that investigation Staff determined that Warhorse had transported 7 seven load of non-hazardous oilfield waste. Since, Warhorse is a Texas company that is not authorized to transport waste in Louisiana, Staff issued a citation.

### ***Jurisdiction***

The Commission exercises jurisdiction over 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.

### ***Staff Recommendation***

In response to the citation Warhorse signed an Affidavit and Stipulation admitting to the violations and agreeing to a fine of \$2,000 per count with \$1,000 suspended contingent on Warhorse not committing any more violations for a year. Warhorse has paid the \$7,000 fine and \$25 citation fee. This is Warhorse’s first violation of any kind with the Commission. Staff recommended that the Commission approve the Affidavit and Stipulation executed April 5, 2016.

### ***Commission Action***

On motion of Commissioner Skrmetta, seconded by Commissioner Boissiere, with Vice Chairman Angelle concurring, Commissioner Campbell temporarily absent and Chairman

Holloway absent, the Commission voted to assert its original and primary jurisdiction and take this matter up pursuant to Rule 57.

On motion of Commissioner Skrmetta, seconded by Commissioner Boissiere, with Vice Chairman Angelle concurring, Commissioner Campbell temporarily absent and Chairman Holloway absent, the Commission voted to accept the Staff Recommendation to approve the Affidavit and Stipulation signed on April 5, 2016.

**IT IS THEREFORE ORDERED:**

That the Affidavit and Stipulation executed on April 5, 2016, is accepted. Accordingly, all conditions of the Affidavit and Stipulation are given effect.

This order is effective immediately.

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

May 17, 2016

*/S/ CLYDE C. HOLLOWAY*

DISTRICT IV

CHAIRMAN CLYDE C. HOLLOWAY

*/S/ SCOTT A. ANGELLE*

DISTRICT II

VICE CHAIRMAN SCOTT A. ANGELLE

*/S/ FOSTER L. CAMPBELL*

DISTRICT V

COMMISSIONER FOSTER L. CAMPBELL

*/S/ LAMBERT C. BOISSIERE*

DISTRICT III

COMMISSIONER LAMBERT C. BOISSIERE, III



EVE KAHAO GONZALEZ  
SECRETARY

*/S/ ERIC F. SKRMETTA*

DISTRICT I

COMMISSIONER ERIC F. SKRMETTA