

LOUISIANA PUBLIC SERVICE COMMISSION

ORDER NO. T-33225

LOUISIANA PUBLIC SERVICE COMMISSION

VS.

INTRACOASTAL LIQUID MUD, INC. (LAFAYETTE, LOUISIANA)

In re: Alleged violation of Louisiana Revised Statute Title 45:166 and LPSC Order 9901 as amended, by authorizing vehicles not affiliated with Intracoastal Liquid Mud, Inc. to utilize Common Carrier Certificate 5561-D on 70 counts; allegedly occurring on or about February 1, 2014 through February 28, 2014.

(Decided at the November 6, 2014 Business and Executive Meeting)

Background

Intracoastal Liquid Mud, Inc. ("ILM") holds Common Carrier Certificate 5561-E which authorizes the transportation of waste. In response to a complaint involving ILM, the Transportation Division reviewed waste manifests from the U.S. Liquids- Mermentau disposal facility for the month of February 2014. Staff determined that ILM had authorized non-ILM vehicles to utilize its common carrier certificate. Staff had previously cited ILM for this same offense in September 2013.

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.

Additionally, La. R.S. 45:164 requires motor carriers of waste to obtain a common carrier certificate or contract carrier permit prior to operating as a common carrier.

Staff Recommendation

Staff considered all documentation and noted that this citation was the carrier's second offense. In light of all of the factors, Staff offered ILM a stipulated agreement. In the agreement, ILM

- 1) admitted to violating La. R.S. 45:166 and LPSC Order 9901 by authorizing vehicles to utilize its common carrier certificate on 65 counts,
- 2) agreed to pay a fine of \$24,500 and a \$25 citation fee for the violations in this docket,
- 3) agreed to pay the \$8,500 suspended fine from Order No. T-32959,
- 4) agreed to implement changes to the Corporate Training Policy which provides that all employees will receive an orientation on LPSC-related statutes, rules, and orders upon

employment, and thereafter on an annual basis. The policy will state that failure to comply with LPSC -related statutes, rules, and orders shall be cause for dismissal, and
5) agree to submit an application for approval of a tariff rate changes no later than October 15, 2014.

Commission Action

On motion of Chairman Skrmetta, seconded by Commissioner Holloway, and unanimously adopted, the Commission voted to assert its original and primary jurisdiction and take this matter up pursuant to Rule 57.

On motion of Commissioner Angelle, seconded by Commissioner Holloway, and unanimously adopted, the Commission voted to approve the Affidavit and Stipulation signed by the carrier, and dismiss the remaining five counts included in the citation that were for duplicate manifests.

IT IS THEREFORE ORDERED:

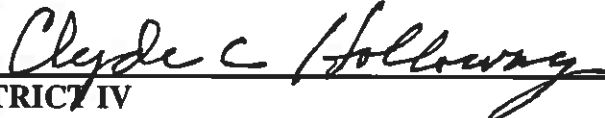
That the stipulated agreement signed by Intracoastal Liquid Mud, Inc. is accepted. Accordingly, all conditions of the stipulated agreement are hereby given effect.

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

November 20, 2014



**DISTRICT I
CHAIRMAN ERIC F. SKRMETTA**



**DISTRICT IV
VICE CHAIRMAN CLYDE C. HOLLOWAY**



**DISTRICT V
COMMISSIONER FOSTER L. CAMPBELL**



**DISTRICT III
COMMISSIONER LAMBERT C. BOISSIERE, III**



**EVE KAHAO GONZALEZ
SECRETARY**

**DISTRICT II
COMMISSIONER SCOTT A. ANGELLE**