

LOUISIANA PUBLIC SERVICE COMMISSION

ORDER NUMBER T-37707

LOUISIANA PUBLIC SERVICE COMMISSION

VERSUS

ACCURATE TOWING, LLC

Docket No. T-37707, Cancellation of Common Carrier Certificate No. 7848 for failure to maintain the required insurance coverage on file with the Commission pursuant to General Order dated October 13, 2023.

(Decided October 7, 2025.)

ORDER

Background

The Louisiana Public Service Commission (“Commission”) issued a citation to Accurate Towing, LLC (“Carrier” or “Accurate Towing”) dated August 18, 2025, directing the Carrier to show cause at a hearing why its Common Carrier Certificate No. 7848 should not be canceled due to the Carrier’s failure to maintain the required insurance coverage on file with the Commission as required by the *General Order* dated October 13, 2023¹ (“2023 General Order”). Notice of the proceeding was published in the Commission’s *Official Bulletin* dated August 29, 2025. When the hearing was convened on October 2, 2025, the Commission Staff appeared and presented testimonial and documentary evidence in support of its allegations. The Carrier did not appear at the hearing.

Applicable Law

The Commission’s jurisdiction over common carriers and public utilities is established by Article 4, Section 21 of the Louisiana Constitution of 1974, which provides in pertinent part:

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 statutes more specifically describe the powers of the Commission over motor carriers operating intrastate for hire in the transportation of persons, household goods, and waste over the public highways and bridges of Louisiana. The business of operating motor vehicles for hire is a “business affected with a public interest”;² and, “[t]he [C]ommission has the power and authority

¹ *General Order* dated October 13, 2023, Louisiana Public Service Commission, ex parte (*Docket No. R-36830, In re: Possible amendments to General Order dated January 12, 1976 as it pertains to intrastate insurance filings for motor carriers.*).

² La. R.S. 45:161.

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.”³ Motor carriers include tow trucks.⁴ Entities engaged in the intrastate business of transporting household goods, passengers, or certain kinds of waste intrastate - non-hazardous oilfield waste, non-hazardous industrial solid waste, and hazardous waste - are classified as “common carriers” subject to the Commission’s regulation.⁵ The Commission shall require insurance and indemnity bonds, including public liability and property damage insurance, written by companies qualified to do business in Louisiana.⁶

The 2023 General Order provides the Commission’s rules and regulations regarding required insurance filings for motor carriers, including that public liability and property damage insurance filings shall be made on a *Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance* (“Form E”).⁷ The 2023 General Order specifies that when a lapse of insurance coverage occurs, motor carriers are subject to citation and fine at an open hearing.⁸ A carrier’s certificate may be revoked after notice and hearing for failing to comply with applicable law or Commission order.⁹ Additionally, the Commission’s *General Order* dated June 7, 2006 (“2006 General Order”) authorizes the imposition of a \$25 citation fee when a citation is issued to a Commission-jurisdictional motor carrier.¹⁰

The Commission Staff’s Case

The Commission Staff alleges that the Carrier failed to maintain proof of its bodily injury and property damage (“BI & PD”)¹¹ insurance on file with the Commission in violation of the 2023 General Order.¹² Commission Staff requests that the Carrier be found guilty as alleged, that the Carrier’s Common Carrier Certificate No. 7848 be canceled pursuant to La. R.S. 45:166(A), and that the Carrier be assessed a \$25 citation fee per the 2006 General Order. In support of its allegations, the Commission Staff presented the testimony of Maegan Hood.

Testimony of Maegan Hood

³ La. R.S. 45:163(A).

⁴ La. R.S. 45:162 (12).

⁵ La. R.S. 45:162(5)(a) and (20).

⁶ La. R.S. 45:163 (D).

⁷ 2023 General Order at ordering paragraph (1)(2).

⁸ *Id.* at ordering paragraph (1)(14).

⁹ La. R.S. 45:166(A).

¹⁰ *General Order* dated June 7, 2006, *In re: Revisions to the Transportation Bond Schedule and Transportation Fee Schedule*.

¹¹ Identified as “BI & P” on the Form K (Staff Exhibit 1).

¹² Citing ordering paragraph 1(2).

Ms. Hood testified that she is an Enforcement Agent in the Commission's Transportation Division, whose duties include receiving and reviewing insurance-related filings for regulated motor carriers. Ms. Hood stated that she is familiar with Accurate Towing, which is a towing carrier regulated by the LPSC. Ms. Hood attested that, on May 20, 2025, the Commission's Transportation Division received a Form K¹³ from AmGuard Insurance Company indicating that the Carrier's BI & PD insurance policy would be canceled effective June 24, 2025. On June 27, 2025, Ms. Hood prepared and mailed a notice of cancellation to the Carrier, bearing the signature of Transportation Administrator Tammy Burl, notifying the Carrier to have its insurer submit a current Form E and to cease operations until the required form was filed. The notice also informs the Carrier of the consequences for non-compliance. Ms. Hood mailed the notice to the Carrier at its address on file with the Commission via United States Postal Service ("USPS") regular mail. She noted that Commission Staff had not received any change of address for Accurate Towing and that the letter was not returned for any reason.

Ms. Hood stated that the Carrier did not submit a Form E following the notice of cancellation. Therefore, she prepared a tentative hearing letter dated July 30, 2025, advising the Carrier that a hearing had been tentatively set for October 2, 2025, and if Accurate Towing did not submit the required form by August 14, 2025, the Commission would issue a citation and assess a \$25 citation fee. Ms. Hood mailed the letter that same day to the Carrier's address on file with the Commission. Attached to the tentative hearing letter was the notice of cancellation letter sent on June 27, 2025. Ms. Hood testified that the tentative hearing letter was not returned as undeliverable. Per Ms. Hood, she also emailed the tentative hearing letter with attached cancellation notice to the Carrier at its email address on file with the Commission.

Ms. Hood explained that the Commission did not receive a Form E following the tentative hearing letter. Consequently, she prepared a citation for Ms. Burl's signature advising the Carrier that it must appear at a hearing on October 2, 2025, that an order may be issued canceling its authority, and that a \$25 citation fee had been assessed to its account. Attached to the citation were the June 27, 2025 notice of cancellation and the July 30, 2025 tentative hearing letter.

Ms. Hood testified that on August 19, 2025, she mailed the citation via USPS regular mail and certified mail return receipt requested to the Carrier's same address on file with the Commission. She confirmed that notice of the proceeding was published in the Commission's

¹³ The Commission is notified of the cancellation or expiration of a carrier's insurance through the receipt of a *Form K Uniform Notice of Cancellation of Motor Carrier Insurance Policies* ("Form K").

Official Bulletin dated August 29, 2025. Ms. Hood stated the citation sent by regular USPS mail was not returned to the Commission for any reason and that the certified mail was unclaimed. Ms. Hood identified the certified mail envelope returned to the Commission on October 1, 2025, testifying that the USPS had affixed a label stating “Return to Sender,” “Unclaimed,” and “Unable to Forward.” She noted that the last six digits of the tracking number on the envelope matched the last six digits of the receipt number on the citation.

Ms. Hood testified that, as of the hearing, the Carrier did not have an updated Form E on file with the Commission, had not filed the appropriate documents to close its LPSC certificate, and had not submitted a change of address notice. She stated that the Commission Staff seeks a finding that the Carrier is guilty, that Common Carrier Certificate No. 7848 be canceled, and that the Carrier be required to pay the \$25 citation fee.

In connection with her testimony, Ms. Hood identified the following documents, which were admitted:

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| Staff Exhibit 1 | The Form K received by the Commission on May 20, 2025, issued by AmGuard Insurance Company with an effective cancellation date of June 24, 2025, for a BI & PD insurance policy issued to the Carrier. |
| Staff Exhibit 2 | Correspondence on Commission Transportation Division letterhead dated June 27, 2025, bearing the signature of Tammy Burl, Transportation Administrator, addressed to the Carrier with the subject line “RE: CANCELLATION OF INSURANCE FILING WITH THE COMMISSION” referencing a Form E. |
| Staff Exhibit 3, <i>in globo</i> | Correspondence on Commission letterhead dated July 30, 2025, bearing the signature of Maegan Hood, Enforcement Agent, addressed to the Carrier with the subject line “RE: Insurance” with a copy of the notice dated June 27, 2025 (Staff Exhibit 2). |
| Staff Exhibit 4, <i>in globo</i> | The citation issued to the Carrier marked with certified mail return receipt number 9589 0710 5270 1532 6170 15 with a mailout date of August 19, 2025, and attached thereto copies of the documents admitted as Staff Exhibit 2 and Staff Exhibit 3, <i>in globo</i> . And, |
| Staff Exhibit 5 | <p>The following:</p> <ul style="list-style-type: none">• The front of an envelope addressed to the Carrier (zip code partially obscured by label) with the return address of the LPSC; a USPS certified mail tracking number 9589 0710 5270 1532 6170 15; and a USPS label bearing the words “Return to Sender,” “Unclaimed,” and “Unable to Forward” stamped received by the Commission on October 1, 2025; and,• The back of the envelope with the attached unsigned certified mail return receipt bearing tracking number 9589 0710 5270 1532 6170 15. |

Findings of Fact and Conclusions of Law

From the evidence presented at the hearing, we make the following findings of fact and conclusions of law:

Findings of Fact

1. The Carrier is an LPSC-regulated towing carrier that currently holds Common Carrier Certificate No. 7848.
2. On May 20, 2025, the Commission received a Form K from AmGuard Insurance Company advising that the Carrier's BI & PD insurance would be canceled effective June 24, 2025.
3. On June 27, 2025, Enforcement Agent Maegan Hood mailed a notice of cancellation via USPS regular mail to the Carrier at its address on file with the Commission, advising that the Carrier's BI & PD insurance was canceled effective June 24, 2025. The notice instructs the Carrier to cease operations until replacement insurance is filed through a Form E .
4. Accurate Towing did not submit a replacement Form E. On July 30, 2025, Ms. Hood mailed the Carrier a letter via USPS regular mail to the address on file with the Commission advising that the Carrier's common carrier certificate had been flagged for failure to maintain the required insurance coverage on file with the Commission. The letter states that if proof of replacement insurance is not filed by August 14, 2025, the Commission would issue a citation, and that a hearing on the matter had been tentatively scheduled for October 2, 2025. The June 27, 2025 notice of cancellation was attached. A copy was also emailed to the Carrier at its email address on file with the Commission.
5. The Commission did not receive a replacement Form E for the Carrier. On August 19, 2025, Ms. Hood mailed a citation via USPS regular mail and certified mail return receipt requested (receipt number 9589 0710 5270 1532 6170 15) to the Carrier's address on file with the Commission, directing the Carrier to appear at a hearing on October 2, 2025. Attached to the citation were the letters dated June 27 and July 30, 2025.
6. Notice of the proceeding was published in the Commission's *Official Bulletin* on August 29, 2025.
7. The notice of cancellation, tentative hearing letter, and the citation sent by USPS regular mail were not returned to the Commission as undeliverable.
8. The complete certified mailing was returned to the Commission on October 1, 2025, with the unsigned receipt attached and with a USPS label affixed to the front bearing the words "Return to Sender," "Unclaimed," and "Unable to Forward."
9. The Carrier did not appear at the hearing.
10. As of the hearing, the Commission had not received a replacement Form E, any documents to close the Carrier's LPSC account, or any change of address for the Carrier.

Conclusions of Law

1. At the hearing, the Commission Staff had the burden of proving its allegations against the Carrier. Because the Carrier did not appear, the Commission Staff also had the burden of demonstrating that the Carrier was provided fair notice of the hearing and the opportunity to present a defense. La. R.S. 45:166(A) provides that a permit may be revoked "after notice and hearing for failure to comply with any provision of R.S. 45:161 through 45:172, or with any lawful order, rule or regulation of the [C]ommission"
2. Pursuant to its constitutional and statutory authority, the Commission adopted the *Rules of Practice and Procedure*. Commission Rules 7 and 19 provide for notice of non-

criminal proceedings through publication in the Commission's *Official Bulletin*, as well as by service "through any means whereby proof of receipt or unclaimed status can be shown" to "the last known place of address of the person entitled to receive such notice" ¹⁴

3. Pursuant to constitutional and legislative mandate, and Commission orders adopted pursuant thereto, the Commission has the authority to regulate motor carriers and to ensure that they maintain levels of insurance required by statute and by Commission General Orders. The 2023 General Order requires that liability insurance be made on a Form E.¹⁵ La. R.S. 45:166(A) states the Commission may revoke a carrier's authority for failure to comply with Commission rules.
4. The Commission's Transportation Division issued the citation to the Carrier by USPS regular mail and certified mail return receipt requested to the Carrier's address on file with the Commission. The citation (as well as the notice of cancellation and tentative hearing letter) sent via regular mail was not returned to the Commission as undeliverable. The Commission Staff demonstrated through testimonial and documentary evidence that the citation sent via certified mail was not claimed by the Carrier. Interim Rule 7 adopted in *Special Order No. 72-2021* permits service where proof of receipt or unclaimed status can be shown. Furthermore, this Commission has ruled consistently with Louisiana courts that a carrier cannot defeat service by refusing certified mail, finding that "[w]hen a plaintiff sends certified mail to a defendant at the correct address, and the defendant simply refuses to accept the package this is still sufficient service."¹⁶ This Commission and Louisiana courts have repeatedly held that a litigant may not defeat service by failing to claim a certified mailing.¹⁷ We find that the record, taken as a whole, demonstrates that the Commission Staff provided fair notice to the Carrier of the hearing date and that the Carrier was provided a fair opportunity to present a defense at the hearing.
5. As a towing carrier, Accurate Towing is required to maintain proof of BI & PD liability insurance on a Form E.
6. The Commission Staff established through testimonial and documentary evidence that the Carrier failed to provide a Form E indicating that its BI & PD liability insurance had been extended beyond the June 24, 2025 cancellation date stated in the Form K.
7. We find that the Carrier failed to maintain the required proof of insurance coverage filing (a Form E) with the Commission as required by the 2023 General Order. Accordingly, we find that the Carrier is guilty of violating the 2023 General Order.
8. We conclude that the Carrier's failure to maintain proof of effective insurance coverage through a Form E constitutes a failure to comply with applicable law and Commission orders. Therefore, cancellation of the Carrier's Common Carrier Certificate is warranted pursuant to La. R.S. 45:166(A).
9. The 2006 General Order allows for the imposition of a \$25 fee for the issuance of a citation by the Commission. Therefore, it is appropriate to require the Carrier to pay the \$25 citation fee.

Conclusion

In accordance with the findings of fact and conclusions of law stated above:

¹⁴ *Special Order Number 72-2021* dated November 22, 2001; Louisiana Public Service Commission, ex parte, *In re: Possible implementation of Interim Rule 7 of the Commission's Rules of Practice and Procedure (Service of Process) and possible revision to the Commission's Rules*.

¹⁵ 2023 General Order at ordering paragraph 1(2).

¹⁶ *Order No. T-35045* dated February 14, 2019 at 5; Louisiana Public Service Commission v. Luxury Limousines of New Orleans, LLC (Metairie, Louisiana) citing *Thomas Organ Co. v. Universal Music Co.*, 261 So. 2d 323 (La. App. 1 Cir. 1972).

¹⁷ *E.g. Order No. T-35220* dated August 28, 2019; Louisiana Public Service Commission vs. American Integrated Services, Inc. (Robert, LA), citing *Thomas Organ Co. v. Universal Music Co.*, 261 So. 2d 323 (La. App. 1 Cir. 1972); *Hardy v. Dowe Company, Inc.*, 674 So. 2d 452 (La. App. 4 Cir. 5/8/96).

IT IS ORDERED that Common Carrier Certificate No. 7848, currently issued to Accurate Towing, LLC is CANCELED due to the failure of Accurate Towing, LLC to maintain proof of insurance coverage on file with the Commission.

IT IS FURTHER ORDERED that Accurate Towing, LLC pay a \$25 citation fee to the Commission.

BATON ROUGE, LOUISIANA
October 7, 2025



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/ ERIC F. SKRMETTA

DISTRICT I
VICE CHAIRMAN ERIC F. SKRMETTA

/S/ FOSTER L. CAMPBELL

DISTRICT V
COMMISSIONER FOSTER L. CAMPBELL

/S/ DAVANTE LEWIS

DISTRICT III
COMMISSIONER DAVANTE LEWIS

/S/ JEAN-PAUL P. COUSSAN

DISTRICT II
COMMISSIONER JEAN-PAUL P. COUSSAN