

**TRANSCRIPT OF THE LOUISIANA PUBLIC SERVICE COMMISSION
TRANSPORTATION CITATION HEARINGS HELD ON JULY 11, 2024, IN BATON
ROUGE, LOUISIANA BEFORE ADMINISTRATIVE LAW JUDGE MELISSA FREY.**

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2 **TRANSPORTATION CITATION HEARINGS HELD ON JULY 11, 2024, IN**
3 **BATON ROUGE, LOUISIANA BEFORE ADMINISTRATIVE LAW**
4 **JUDGE MELISSA FREY.**

5 **ADMINISTRATIVE LAW JUDGE MELISSA FREY:** Good morning. Today
6 is Thursday, July 11, 2024. I'm Administrative Law Judge Melissa Frey. We are
7 here this morning for transportation hearings. There are currently seven matters on
8 the docket this morning. Commission Staff has advised, and I can see that there
9 are a couple of persons present, so we will take up those matters first, and we will
10 take those out of order.

11

12 **DOCKET NO. T-37176**

13 **JUDGE FREY:** The first docket I will call this morning is Docket Number T-
14 37176 - Louisiana Public Service Commission versus Sylvester Fleming dba
15 Sk8tXpress. In re: Alleged violation of Revised Statute 45:161 through 180.1 and
16 General Order dated April 25, 2012 by engaging in activities related to transporting
17 passengers intrastate without LPSC authority. Would the parties present please
18 make your appearances, starting with the Commission Staff?

19 **MR. JUSTIN BELLO:** Thank you, Your Honor. Justin Bello on behalf of
20 Commission Staff.

21 **JUDGE FREY:** And you, sir?

22 **MR. SYLVESTER FLEMING:** Sylvester Fleming on behalf of Sk8tXpress.

1 **JUDGE FREY:** Thank you. And how does the Staff plan to move forward this
2 morning?

3 **MR. BELLO:** Yes, Your Honor. Staff has discussed with Mr. Fleming a path
4 forward on this docket. We're working towards a resolution of it, we just need
5 some additional time to do that. So, Your Honor, we would jointly request that this
6 hearing be rescheduled for the October 3, 2024 transportation hearing date.

7 **JUDGE FREY:** Right. Mr. Fleming, do you wish to move jointly with the
8 Commission Staff to continue this matter to October 3, 2024?

9 **MR. FLEMING:** Yes, Your Honor. That's correct.

10 **JUDGE FREY:** Okay. And based on that joint request, I will issue a ruling on
11 the joint motion to continue and a notice of rescheduled hearing date, rescheduling
12 this matter to October 3, 2024. That means the hearing will be rescheduled, it will
13 be here in the same room. So unless there's something that comes from this tribunal
14 that says the matter is resolved or continued or otherwise moves that date, you will
15 be required to be here on October 3rd. Do you have any questions about that?

16 **MR. FLEMING:** No, Your Honor.

17 **JUDGE FREY:** All right. Thank you. We will issue that ruling. Now when the
18 Administrative Hearings Division issues rulings, and Transportation may have
19 separate processes, we send it to the service list. And for this matter, the addresses
20 that are listed are 4540 MLK Parkway, St. Gabriel, 70776.

21 **MR. FLEMING:** That's correct.

22 **JUDGE FREY:** And 1641 East Highway 30, St. Gabriel?

23 **MR. FLEMING:** Yes.

1 **JUDGE FREY:** Okay. All right. Do you have an email address that is a valid
2 email address that we could send the notice to you via email?
3 **MR. FLEMING:** Yes, I do.
4 **JUDGE FREY:** Okay. Would you mind giving that to me?
5 **MR. FLEMING:** Absolutely. S-Y-L-F-L-E-M-I-N-G at Yahoo.
6 **JUDGE FREY:** S-Y-L-F as in Frank-L-E --
7 **MR. FLEMING:** M-I-N-G at Yahoo. First three letters of my first name, last
8 name, at Yahoo. Actually, I mean, I can give you another. I get a lot of junk at that
9 one, so I can give you a business email, which I check often.
10 **JUDGE FREY:** Okay.
11 **MR. FLEMING:** It's sky, S-K-Y, dot, ty, T-Y, dot, trucking without a c, it's T-
12 R-U-K-I-N-G, as in true king at Gmail.
13 **JUDGE FREY:** And that was S-K-Y-dot-T-Y-E --
14 **MR. FLEMING:** T-Y. Just T-Y.
15 **JUDGE FREY:** Oh, sorry. Thank you.
16 **MR. FLEMING:** T-Y-dot-trucking without a c.
17 **JUDGE FREY:** Got it. At Gmail.com.
18 **MR. FLEMING:** Yes.
19 **JUDGE FREY:** Thank you, Mr. Fleming. Anything further we need to discuss
20 before we conclude this matter?
21 **MR. BELLO:** No, Your Honor.
22 **JUDGE FREY:** Thank you, Mr. Fleming. I will issue that notice and we will see
23 you on October 3rd.

1 **MR. FLEMING:** Thank you, Your Honor.

2 **JUDGE FREY:** Thank you.

3

4 **DOCKET NO. T-37201**

5 **JUDGE FREY:** The next matter I will call this morning is Docket Number T-

6 37201 - Louisiana Public Service Commission versus Breaux Performance Group,

7 LLC dba College Hunks Hauling Junk and Moving. In re: Cancellation of

8 Common Carrier Certificate Number 8335 for failure to maintain the required

9 insurance coverage on file with the Commission pursuant to Commission's General

10 Orders dated March 16, 2021 and October 13, 2023. Would the parties present

11 please make your appearances, starting with the Commission Staff?

12 **MR. BELLO:** Thank you, Your Honor. Justin Bello on behalf of Commission

13 Staff.

14 **JUDGE FREY:** And you, sir?

15 **MR. MARK BREAU:** Mark Breaux with Breaux Performance Group.

16 **JUDGE FREY:** How do you plan to move forward this morning, Commission

17 Staff?

18 **MR. BELLO:** Your Honor, Commission Staff has been in contact and

19 conversation with Mr. Breaux. We are working towards a resolution of this docket,

20 we just need some additional time with him, which to reach that resolution. So we

21 have agreed jointly, and I'll let Mr. Breaux confirm that, to ask that this hearing be

22 continued to the September 1, 2024 transportation citation hearing date.

1 **JUDGE FREY:** Mr. Breaux, do you wish to move jointly with the Commission
2 Staff to continue this matter to September 1?
3 **MR. BREAU:** Yes, Your Honor.
4 **JUDGE FREY:** Okay. So I will issue a ruling on the joint motion to continue and
5 a notice of rescheduled hearing date, rescheduling this hearing to September 1,
6 2024. So unless there's something that comes out officially moving that hearing or
7 cancelling that hearing, you will need to be here on September 1, 2024 for the
8 hearing. Do you have any questions about that?
9 **MR. BREAU:** No, Your Honor.
10 **JUDGE FREY:** So the address on the citation is 16347 Chadsford Avenue, Baton
11 Rouge, 70817; is that a valid address?
12 **MR. BREAU:** Yes, Your Honor.
13 **JUDGE FREY:** Do you also have an email address that you would like to provide?
14 We will send the notice to the email address as well as the mailing address.
15 **MR. BREAU:** Yes, thank you. Mark, M-A-R-K, dot, Breaux, B-R-E-A-U-X, at
16 C-H-H-J, dot, com.
17 **JUDGE FREY:** Mark.breaux@CHHJ.com.
18 **MR. BREAU:** That's correct.
19 **JUDGE FREY:** All right. Thank you, Mr. Breaux. Is there anything else we need
20 to discuss before we conclude this matter?
21 **MR. BELLO:** No, Your Honor.

1 **JUDGE FREY:** All right. Mr. Breaux, the court will issue that ruling on the
2 motion to continue and a notice of rescheduling this matter to September 1, and
3 we'll plan to see you then.

4 **MR. BREAU:** Yes, Your Honor. Thank you.

5 **JUDGE FREY:** Thank you.

6 **MR. BREAU:** Thank you.

7

8 **DOCKET NO. T-37165**

9 **JUDGE FREY:** The next matter on the docket this morning is Docket Number T-
10 37165 - Louisiana Public Service Commission versus J. Zenon Trucking, Inc. In
11 re: Cancellation of Common Carrier Certificate Numbers 8489 and 8458 for failure
12 to maintain the required insurance coverage on file with the Commission pursuant
13 to the Commission's General Order dated October 13, 2023. Would the parties
14 present please make your appearances for the record?

15 **MR. BELLO:** Thank you, Your Honor. Justin Bello on behalf of Commission
16 Staff.

17 **JUDGE FREY:** Let the record reflect that there is no one present on behalf of J.
18 Zenon Trucking, Inc. Staff, how do you plan to move forward this morning?

19 **MR. BELLO:** Your Honor, Commission Staff has received proof of insurance
20 from the cited carrier, so we're going to ask that this docket be dismissed with
21 prejudice at this time.

22 **JUDGE FREY:** An order of dismissal will be issued accordingly.

23 **MR. BELLO:** Thank you, Your Honor.

1 **DOCKET NO. T-37171**

2 **JUDGE FREY:** The next matter is Docket Number T-37171 - Louisiana Public
3 Service Commission versus Billy J. Cozad dba B-T Towing LLC. In re:
4 Cancellation of Common Carrier Certificate Number 6836-A for failure to maintain
5 the required insurance coverage on file with the Commission pursuant to
6 Commission's General Order dated October 13, 2023. Would the parties present
7 please make your appearances for the record?

8 **MR. BELLO:** Thank you, Your Honor. Justin Bello on behalf of Commission
9 Staff.

10 **JUDGE FREY:** Let the record reflect that there is no one present on behalf of
11 Billy J. Cozad dba B-T Towing LLC. Staff, how do you plan to move forward this
12 morning?

13 **MR. BELLO:** Your Honor, Commission Staff is working to resolve this docket,
14 we just need some additional time, so we'd ask that the docket be continued to the
15 August 1, 2024 transportation citation hearing date. Oh, I apologize. I have
16 August, it should be September. September 1, 2024 transportation hearing date,
17 Your Honor.

18 **JUDGE FREY:** Actually, I think the September hearings are on the 5th.

19 **MR. BELLO:** I apologize.

20 **JUDGE FREY:** The August ones are on the 1st, and I know we just had Mr. Breaux
21 in here. I did not catch that earlier, but the scheduled dates are August 1st and
22 September 5th.

1 **MR. BELLO:** Once again, apologies for this, Your Honor, but a correction. For
2 37171, it should be August 1st is the date we would ask to continue it to.

3 **JUDGE FREY:** Okay. August 1st?

4 **MR. BELLO:** Yes, Your Honor.

5 **JUDGE FREY:** My only concern is in 37201 I said September 1 instead of
6 September 5th.

7 **MR. BELLO:** Understood, Your Honor. Would you like us to try to contact Mr.
8 Breaux?

9 **JUDGE FREY:** If y'all can get him back, I think that would just be the cleanest
10 way to handle it.

11 **MR. BELLO:** We could do that, Your Honor.

12 **JUDGE FREY:** My apologies for not catching that earlier.

13 **MR. BELLO:** We can gladly do that, Your Honor.

14 **JUDGE FREY:** Thank you. So we'll keep moving and hope we can get Mr.
15 Breaux, and if not, we will think on this during these proceedings.

16 **MR. BELLO:** Understood, Your Honor.

17 **JUDGE FREY:** All right. So a ruling on the motion to continue in Docket Number
18 T-37171 to August 1 --

19 **MR. BELLO:** That's correct, Your Honor.

20 **JUDGE FREY:** -- will be issued accordingly.

21 **MR. BELLO:** Thank you, Judge.

22

23

1 **DOCKET NO. T-37172**

2 **JUDGE FREY:** The next matter I will call is Docket Number T-37172 - Louisiana
3 Public Service Commission versus Cliff's Towing and Recovery, LLC. In re:
4 Cancellation of Common Carrier Certificate Number 6386-A for failure to maintain
5 the required insurance coverage on file with the Commission pursuant to the
6 Commission's General Order dated October 13, 2023. Would the parties present
7 please make their appearances for the record?

8 **MR. BELLO:** Thank you, Your Honor. Justin Bello on behalf of Commission
9 Staff.

10 **JUDGE FREY:** Let the record reflect that there is no one present on behalf of
11 Cliff's Towing and Recovery, LLC. How does the Staff plan to move forward this
12 morning, Mr. Bello?

13 **MR. BELLO:** Your Honor, Staff is just waiting for some additional
14 documentation for proof of insurance from the cited carrier, and so we just need a
15 little additional time, so we'd ask that this docket be continued to the August 1,
16 2024 transportation citation hearing date.

17 **JUDGE FREY:** Thank you. A ruling on the motion to continue and a notice of
18 reschedule hearing date continuing this matter to August 1 will be issued
19 accordingly.

20

21 **DOCKET NO. T-37199**

22 **JUDGE FREY:** The next matter on the docket is Docket Number T-37199 -
23 Louisiana Public Service Commission versus Tru Enterprise Corporation dba Car

1 Crusher Inc of Louisiana. In re: Cancellation of Common Carrier Certificate
2 Number 6386-A for failure to maintain the required insurance coverage on file with
3 the Commission pursuant to the Commission's General Order dated October 13,
4 2023. Would the parties present please make their appearances for the record?

5 **MR. BELLO:** Thank you, Your Honor. Justin Bello on behalf of Commission
6 Staff.

7 **JUDGE FREY:** Let the record reflect that there is no one present on behalf of Tru
8 Enterprise Corporation dba Car Crusher Inc of Louisiana. How does the Staff plan
9 to move forward this morning?

10 **MR. BELLO:** Your Honor, this is a docket that we're going to move forward with,
11 but if we could take it up out of order while Mr. -- is Mr. Breaux headed back up,
12 Ms. Burl? I'll let her indicate that on the record.

13 **MS. TAMMY BURL:** Tammy Burl on behalf of Staff. Yes, Mr. Breaux is on his
14 way back up to confirm the hearing date we agreed upon.

15 **JUDGE FREY:** Thank you, Ms. Burl. Okay. So Staff is going to move forward
16 with the Docket Number T-37199, so we will put that on hold.

17 **MR. BELLO:** Thank you, Judge.

18 **JUDGE FREY:** While we're waiting on Mr. Breaux, I'll continue to go through
19 the remaining matters.

20 **MR. BELLO:** Thank you, Your Honor.
21
22
23 10

1 **DOCKET NO. T-37203**

2 **JUDGE FREY:** The next matter on the docket is Docket Number T-37203 -
3 Louisiana Public Service Commission versus 3B Group Corporation dba Que
4 Huong Bus. In re: Cancellation of Registration and Insurance Permit Number 1599
5 for failure to maintain the required insurance coverage on file with the Commission
6 pursuant to the Commission's General Order dated October 13, 2023 and April 21,
7 1999. Would the parties present please make your appearances for the record?

8 **MR. BELLO:** Justin Bello on behalf of Commission Staff.

9 **JUDGE FREY:** Let the record reflect that there is no one present on behalf of 3B
10 Group Corporation. How does the Staff plan to move forward this morning?

11 **MR. BELLO:** Your Honor, Commission Staff has received the Form T-80
12 cancelling the authority for this cited carrier and a Special Order 53-2024 was
13 issued closing that authority, so we would ask that this docket be dismissed with
14 prejudice at this time.

15 **JUDGE FREY:** Thank you, Mr. Bello. A ruling -- an order dismissing this matter
16 with prejudice will be issued accordingly.

17 **MR. BELLO:** Thank you, Your Honor.

18

19 **DOCKET NO. T-37201**

20 **JUDGE FREY:** All right. We have Mr. Breaux back in the courtroom. Thank
21 you for coming back, Mr. Breaux.

22 **MR. BREAU:** No problem.

1 **JUDGE FREY:** And I will recall your matter and we will go back on the record.
2 So at this time we are going to recall Docket Number T-37201 - Louisiana Public
3 Service Commission versus Breaux Performance Group, LLC dba College Hunks
4 Hauling Junk and Moving. I will note we have Mr. Bello and Mr. Breaux,
5 previously made appearances in this proceeding. We are going back on the record
6 because after you left the courtroom, Mr. Breaux, we realized there was some
7 confusion with regard to the hearing date that the parties in your docket requested
8 this matter be continued to. We have set transportation hearing dates and the date
9 in September is actually September 5, 2024, not September 1. In light of that date,
10 do the parties wish, then, to modify their joint motion to continue this matter to the
11 September 5, 2024 date?

12 **MR. BELLO:** Yes, Your Honor. Justin Bello on behalf of Commission Staff.
13 Apologies for the error. We ask that the motion that we previously requested and
14 was granted be amended so as to reflect and note September 5, 2024 transportation
15 hearing date.

16 **JUDGE FREY:** Thank you. And, Mr. Breaux, September 5th, you understand that
17 would be the date that we will continue this matter to, if that's your desire to move
18 with Staff on that?

19 **MR. BREAU:** Yes, Your Honor.

20 **JUDGE FREY:** Thank you, Mr. Breaux. And I apologize for that and I'm glad
21 we could catch you and go back on the record and fix this. So we will enter this as
22 a motion to continue the matter to September 5, 2024, a joint motion on behalf of
23 the parties. And the ruling issued by the court will reflect that this matter is

1 continued until September 5th. So if nothing cancels the hearing date, we will see
2 you then.

3 **MR. BREAUX:** Yes, Your Honor. Thank you.

4 **JUDGE FREY:** Thank you, Mr. Breaux.

5 **MR. BELLO:** Thank you, Judge.

6 **JUDGE FREY:** So we'll conclude that matter again.

7

8 **DOCKET NO. T-37199**

9 **JUDGE FREY:** So that takes us back to Docket Number 37199 - Louisiana Public
10 Service Commission versus Tru Enterprise Corporation dba Car Crusher Inc of
11 Louisiana. In re: Cancellation of Common Carrier Certificate Number 6386-A for
12 failure to maintain the required insurance coverage on file with the Commission
13 pursuant to the Commission's General Order dated October 13, 2023. Again,
14 would the parties present please make your appearances for the record?

15 **MR. BELLO:** Thank you, Your Honor. Justin Bello on behalf of Commission
16 Staff.

17 **JUDGE FREY:** Let the record reflect there is no one present in the courtroom this
18 morning on behalf of Tru Enterprise Corporation dba Car Crusher Inc of Louisiana.
19 Mr. Bello, you've indicated previously that you plan to move forward with this
20 matter this morning.

21 **MR. BELLO:** That's correct, Your Honor.

22 **JUDGE FREY:** You may proceed.

1 **MR. BELLO:** Your Honor, Commission Staff is prepared to prove through both
2 documentary and testimonial evidence that the carrier cited in this docket, Tru
3 Enterprise Corporation dba Car Crusher Inc of Louisiana, which, Your Honor, we'll
4 just call Tru Enterprise going forward, violated the Commission rules and
5 regulations for failing to maintain the required insurance coverage on file pursuant
6 to the General Order dated October 13, 2023. Your Honor, as a result of this
7 violation, at the conclusion of the hearing, Commission Staff is going to request
8 that the carrier be found guilty of the cited violation, that their Certificate Number
9 8516 be cancelled, and that a citation fee be assessed to the carrier. Your Honor,
10 at this time we'd like to call our one and only witness, Ms. Tammy Burl.

11 **Tammy Burl came forth as a witness; and, after having been duly sworn,**
12 **testified as follows:**

13 **DIRECT EXAMINATION BY MR. JUSTIN BELLO**

14 **JUDGE FREY:** Thank you, Mr. Bello. You may proceed.

15 **MR. BELLO:** Thank you, Your Honor. Good morning, Ms. Burl. How are you
16 doing today?

17 **MS. BURL:** Good morning. Good.

18 **MR. BELLO:** Can you please state your name and business address for the record?

19 **MS. BURL:** Tammy Burl, 602 North 5th Street, Baton Rouge, Louisiana 70821.

20 **MR. BELLO:** And by whom are you employed?

21 **MS. BURL:** The Louisiana Public Service Commission.

22 **MR. BELLO:** And what is your title with the Louisiana Public Service
23 Commission?

1 **MS. BURL:** I am the Transportation Administrator.

2 **MR. BELLO:** Could you tell us what some of your job duties are as the
3 Transportation Administrator?

4 **MS. BURL:** Yes. I oversee the day-to-day operations of the division for the motor
5 carriers that we regulate, such as towing companies, household good movers,
6 passenger carriers, and waste carriers.

7 **MR. BELLO:** Okay. Could you tell us what some of the requirements that the
8 Commission has for these regulated carriers, certain things that have to be on file?

9 **MS. BURL:** Yes. Carriers are required to maintain insurance on file, renew their
10 vehicles every year annually, file annual reports, in addition to other filings.

11 **MR. BELLO:** And as the Transportation Administrator, are you the ultimate
12 overseer of all of those filings?

13 **MS. BURL:** Yes.

14 **MR. BELLO:** Ms. Burl, could you tell us what documents are submitted by
15 regulated carriers to evidence insurance?

16 **MS. BURL:** A Form E for their auto liability insurance.

17 **MR. BELLO:** And could you tell us what Commission order requires the carries
18 file that Form E as proof of insurance?

19 **MS. BURL:** The October 13, 2023 General Order.

20 **MR. BELLO:** Ms. Burl, how would the Commission be notified of a cancellation
21 of a carrier's insurance?

22 **MS. BURL:** The underwriter submits a Form K.

1 **MR. BELLO:** And again, as part of your job duties that you discussed, you're not
2 the direct person who receive those, but you're ultimately responsible for those?
3 **MS. BURL:** Correct.
4 **MR. BELLO:** Okay. Ms. Burl, are you familiar with the carrier cited in this
5 docket, Tru Enterprise Corporation dba Car Crushers Inc of Louisiana, which we'll
6 just call Tru Enterprise from here on out?
7 **MS. BURL:** Yes.
8 **MR. BELLO:** Is this company registered with the Public Service Commission?
9 **MS. BURL:** Yes, they are.
10 **MR. BELLO:** Could you tell us what type of carrier this company is?
11 **MS. BURL:** They are a towing company.
12 **MR. BELLO:** And has the Transportation Division of the Commission received
13 any correspondence associated with this carrier's insurance?
14 **MS. BURL:** Yes. We received a Form K.
15 **MR. BELLO:** Ms. Burl, you have a document in front of you that's been marked
16 for identification as Staff Exhibit 1. Do you recognize this document?
17 **MS. BURL:** Yes. This is the Form K that was received by the Commission.
18 **MR. BELLO:** Okay. And just to confirm, the Transportation Division did receive
19 that document?
20 **MS. BURL:** Yes. It was received on January 29, 2024.
21 **MR. BELLO:** Okay. And who sent this document to the Transportation Division?
22 **MS. BURL:** It was sent to us by -- bear with me, I got to get my bearings on this
23 Form E -- Blue Hill Specialty Insurance Company.

1 **MR. BELLO:** Thank you, Ms. Burl. Up at the top right of the document, it
2 indicates the checked type cancelled BI and PD. Could you just inform the tribunal
3 what BI and PD indicate?

4 **MS. BURL:** That is bodily injury and property damage.

5 **MR. BELLO:** And again, if you could, and if I already asked this, I apologize.
6 Just tell us what this document indicates about the carrier's BI and PD insurance
7 policies.

8 **MS. BURL:** It indicates that Tru Enterprises' insurance would cancel effective
9 March 6, 2024.

10 **MR. BELLO:** And to the best of your information, does this document appear to
11 be electronically signed by a representative of the insurance company?

12 **MS. BURL:** Yes.

13 **MR. BELLO:** And that would be at the bottom right of the text there where it says
14 signature of insurer?

15 **MS. BURL:** That's correct.

16 **MR. BELLO:** Your Honor, in connection with that testimony, I'd like to offer,
17 file, and introduce into evidence Staff Exhibit 1, which is a copy of a Form K
18 received by Commission Staff from Blue Hill Specialty Insurance Company.

19 **JUDGE FREY:** Staff Exhibit 1 is admitted.

20 **MR. BELLO:** Thank you, Your Honor. Ms. Burl, after the Form K that we just
21 introduced into the evidence was received, what did the Transportation section of
22 the Commission do next?

23 **MS. BURL:** We issued a notice of cancellation letter to Tru Enterprise.

1 **MR. BELLO:** Ms. Burl, you have a document in front of you that's been marked
2 for identification as Staff Exhibit 2. Do you recognize this document?

3 **MS. BURL:** Yes.

4 **MR. BELLO:** And what is this document?

5 **MS. BURL:** This is a copy of the notice of cancellation letter.

6 **MR. BELLO:** And to whom was this letter sent?

7 **MS. BURL:** Tru Enterprise Corporation Car Crushers Inc of Louisiana.

8 **MR. BELLO:** And what date did the Commission send this document?

9 **MS. BURL:** March 15, 2024.

10 **MR. BELLO:** Could you please inform the tribunal what does this document
11 indicate?

12 **MS. BURL:** It informs the motor carrier that we were in receipt of a cancellation
13 notice on their policy and that it cancelled on March 6, 2024, that they were to cease
14 operations immediately, and that they need to make the required replacement filing.

15 **MR. BELLO:** And you just somewhat mentioned, but I'll ask you to elaborate.
16 Did the document provide instructions on how to remedy this insurance issue?

17 **MS. BURL:** Yes.

18 **MR. BELLO:** And what does it say?

19 **MS. BURL:** It should say that they should contact their insurance company and
20 have them file the required form with our office.

21 **MR. BELLO:** Thank you, Ms. Burl. And, again, you may have indicated this, but
22 the document also asks that they cease and desist all operations, correct?

23 **MS. BURL:** Correct.

1 **MR. BELLO:** Regulated operations, I should say.

2 **MS. BURL:** Correct.

3 **MR. BELLO:** Did the letter provide any consequences if the carrier failed to
4 provide the proof of insurance?

5 **MS. BURL:** Yes. That the Commission would proceed to institute against them a
6 citation for cancellation of their authority.

7 **MR. BELLO:** Thank you, Ms. Burl. And if you could, up at the top left of this
8 letter, does it indicate an address for Tru Enterprise Corporation?

9 **MS. BURL:** Yes. That is 10301 Old Gentilly Road, New Orleans, Louisiana
10 70127.

11 **MR. BELLO:** And to best of your understanding, is this the same address that the
12 Commission maintains on file for this carrier?

13 **MS. BURL:** Yes.

14 **MR. BELLO:** And since this letter was issued, have you been or are you aware of
15 any notice of address change received from the carrier?

16 **MS. BURL:** No, they have not changed their address.

17 **MR. BELLO:** Ms. Burl, did you prepare this notice of cancellation letter for
18 mailing?

19 **MS. BURL:** No, it was prepared by my previous employee, Mr. Paul Amy.

20 **MR. BELLO:** And so while you didn't personally prepare this letter, is it your
21 understanding that, based on the records that you maintain, that the letter was
22 prepared and mailed?

23 **MS. BURL:** Yes.

1 **MR. BELLO:** Could you tell us whose signature this is at the bottom of this letter?

2 **MS. BURL:** This is my signature.

3 **MR. BELLO:** Is that automatically generated by the Commission's database?

4 **MS. BURL:** Yes, it is.

5 **MR. BELLO:** Thank you. Your Honor, in connection with that testimony, I'd

6 like to offer, file, and introduce into evidence Staff Exhibit 2, which is a copy of

7 the notice of cancellation letter sent to Tru Enterprise Corporation on March 15,

8 2024.

9 **JUDGE FREY:** Staff Exhibit 2 is admitted.

10 **MR. BELLO:** Thank you, Your Honor. So Ms. Burl, after this notice of

11 cancellation letter was sent, did the carrier submit a Form E or proof of insurance?

12 **MS. BURL:** They did not.

13 **MR. BELLO:** So what did the Commission do after that failure to provide proof

14 of insurance?

15 **MS. BURL:** Staff proceeded to issue a tentative hearing letter to the carrier.

16 **MR. BELLO:** Ms. Burl, you have a document in front of you that's been marked

17 for identification as Staff Exhibit 3, in globo. Do you recognize this document?

18 **MS. BURL:** Yes. This is the tentative hearing letter sent to Tru Enterprise.

19 **MR. BELLO:** Okay. And could you tell us what this document indicates?

20 **MS. BURL:** It notifies them that we had received a Form K, that we had mailed

21 them a notice of cancelation letter on March 15th for that cancelation on March 6th,

22 and that they had a deadline of May 1, 2024 to make the filing, or they had

23 tentatively been scheduled for a hearing today, Thursday, July 11, 2024.

1 **MR. BELLO:** Thank you, Ms. Burl. Did you personally prepare this letter?

2 **MS. BURL:** No, this was prepared by my previous Staff member, Mr. Paul Amy.

3 **MR. BELLO:** But again, as the ultimate records maintainer for the Transportation

4 section, is it your understanding that this document was, in fact, prepared and

5 mailed to the carrier?

6 **MS. BURL:** Yes.

7 **MR. BELLO:** Could you please tell us what the address is indicated up at the top-

8 left corner of this letter?

9 **MS. BURL:** 10301 Old Gentilly Road, New Orleans, Louisiana 70127.

10 **MR. BELLO:** Does that address, again, match with what's on file with the

11 Commission?

12 **MS. BURL:** Yes.

13 **MR. BELLO:** And if you didn't indicate this, I apologize. If you did -- is this

14 letter dated -- well, what is this letter dated?

15 **MS. BURL:** April 15, 2024.

16 **MR. BELLO:** And again, you already indicated that it was mailed by the

17 Commission; is that correct?

18 **MS. BURL:** Correct.

19 **MR. BELLO:** Do you happen to know when it would've been mailed?

20 **MS. BURL:** On the day that it was prepared, April 15, 2024.

21 **MR. BELLO:** And whose signature is on that April 15th tentative hearing letter?

22 **MS. BURL:** Mr. Paul Amy.

1 **MR. BELLO:** And just to be clear, you're not here certifying to the validity of his
2 signature, just to the fact that it's your understanding, as Transportation
3 Administrator, the document was prepared and mailed, correct?

4 **MS. BURL:** Correct.

5 **MR. BELLO:** Is it a standard practice for a Transportation Enforcement Agent to
6 email a letter like this to the carrier?

7 **MS. BURL:** Yes.

8 **MR. BELLO:** Okay. Do you know if this letter was actually mailed to the carrier?

9 **MS. BURL:** I am unable to confirm whether Mr. Amy actually emailed it or not.

10 **MR. BELLO:** But again, it's your understanding that it's standard practice for
11 such things to be emailed?

12 **MS. BURL:** Yes.

13 **MR. BELLO:** And what is the email we have on this letter for the cited carrier?

14 **MS. BURL:** Carcrusher85@gmail.com

15 **MR. BELLO:** Ms. Burl, were there any documents attached to this letter?

16 **MS. BURL:** Yes. The notice of cancellation letter, dated March 15, 2024.

17 **MR. BELLO:** Thank you, Ms. Burl. Your Honor, in connection with that
18 testimony, I'd like to offer, file, and introduce into evidence the tentative hearing
19 letter dated April 15, 2024, that was mailed to the cited carrier.

20 **JUDGE FREY:** Staff Exhibit 3 is admitted.

21 **MR. BELLO:** Thank you, Your Honor.

22 **JUDGE FREY:** In globo.

23 **MR. BELLO:** Thank you.

1 **JUDGE FREY:** And, sorry, just to confirm, is this an in globo exhibit with the
2 notice of cancellation letter attached?

3 **MR. BELLO:** It is, Your Honor.

4 **JUDGE FREY:** Staff Exhibit 3, in globo, is admitted.

5 **MR. BELLO:** Thank you, Judge. Ms. Burl, after this notice of cancellation -- or,
6 excuse me, tentative hearing letter was mailed, are you aware of -- did the USPS
7 return this mail in any way to the Commission?

8 **MS. BURL:** They did not.

9 **MR. BELLO:** And, again, after the tentative hearing letter was sent to the carrier,
10 did the carrier submit a Form E indicating proof of insurance?

11 **MS. BURL:** No.

12 **MR. BELLO:** And so after not receiving that information, what did the
13 Commission Staff do next?

14 **MS. BURL:** We proceeded to issue a citation to the carrier.

15 **MR. BELLO:** Ms. Burl, you have a document in front of you that's been marked
16 for identification as Staff Exhibit 4, in globo. Do you recognize this document?

17 **MS. BURL:** Yes. This is the citation issued to Tru Enterprise Corporation dba
18 Car Crushers Inc of Louisiana.

19 **MR. BELLO:** And according to the second page of this document, what date did
20 the Commission send the document to the cited carrier?

21 **MS. BURL:** It was mailed out on May 22, 2024.

1 **MR. BELLO:** And if you could go back to the first page, is the carrier address
2 indicated on this document the same as the address on file with the Commission,
3 which you have previously identified?

4 **MS. BURL:** Yes.

5 **MR. BELLO:** Could you tell us whose signature is on this citation on Page 2?

6 **MS. BURL:** That is my signature.

7 **MR. BELLO:** Ms. Burl, are you aware of any documents that were attached to
8 this citation?

9 **MS. BURL:** Yes. The tentative hearing letter, dated April 15, 2024, as well as the
10 notice of cancellation letter, dated March 15, 2024.

11 **MR. BELLO:** And those would be the same two letters that were just previously
12 introduced into evidence as Exhibit 2 and Exhibit 3, in globo?

13 **MS. BURL:** Correct.

14 **MR. BELLO:** Did the citation provide the carrier notice that a citation fee in the
15 amount of \$25 had been assessed to the carrier's account?

16 **MS. BURL:** Yes.

17 **MR. BELLO:** And did the citation also provide the carrier notice that an order
18 may be issued by the Commission cancelling the carrier's common carrier
19 certificate for failure to maintain the required insurance coverage?

20 **MS. BURL:** Yes.

21 **MR. BELLO:** Could you tell us what hearing date was provided in the citation?

22 **MS. BURL:** Today, Thursday, July 11, 2024, at 9:30 A.M.

23 **MR. BELLO:** And that would be at 602 North 5th Street?

1 **MS. BURL:** Yes. To be held here at the 11th Floor, at 602 North 5th Street in Baton
2 Rouge.

3 **MR. BELLO:** Thank you, Ms. Burl. And was this notice of citation, excuse me,
4 published in the Commission's Bulletin?

5 **MS. BURL:** Yes. It was published on May 24, 2024.

6 **MR. BELLO:** Your Honor, in connection with that testimony, I'd like to offer,
7 file, and introduce into evidence Staff Exhibit 4, in globo, which is a copy of the
8 citation issued to Tru Enterprise Corporation in this docket, with attachments.

9 **JUDGE FREY:** Staff Exhibit 4, in globo, is admitted.

10 **MR. BELLO:** Thank you, Your Honor. And Ms. Burl, was this citation mailed
11 to the carrier?

12 **MS. BURL:** Yes. It was mailed by regular mail and certified mail.

13 **MR. BELLO:** Thank you. And to your understanding, was the regular mail
14 returned?

15 **MS. BURL:** No, it was not.

16 **MR. BELLO:** And was the citation claimed?

17 **MS. BURL:** Yes, it was.

18 **MR. BELLO:** Ms. Burl, you have a document in front of you that's been marked
19 for identification as Staff Exhibit 5. Do you recognize this document?

20 **MS. BURL:** Yes. This is a copy of the green card in reference to this docket.

21 **MR. BELLO:** And on the copy, is the address indicated on the green card the
22 same as the address maintained on file for the cited carrier?

23 **MS. BURL:** Yes.

1 **MR. BELLO:** Does this document indicate any delivery date?

2 **MS. BURL:** It appears that it was signed for by B. Ballard on 5/25/2024.

3 **MR. BELLO:** Thank you, Ms. Burl. And could you confirm that the tracking

4 number indicated on this green card ending in 0333, does it match the tracking

5 number that's also indicated on the citation that was introduced into the record as

6 Staff Exhibit 4, in globo?

7 **MS. BURL:** Yes, they match.

8 **MR. BELLO:** Is there a docket number indicated on the green card?

9 **MS. BURL:** Yes. I placed the Docket Number T-37199 on the green card as a

10 reference of where it goes when it comes back to the Commission.

11 **MR. BELLO:** Thank you, Ms. Burl. And what date did the Commission receive

12 this card back?

13 **MS. BURL:** It is kind of light, but I'm going to say June 18, 2024.

14 **MR. BELLO:** If you were able to look at the original that's at the Judge's desk,

15 would you might be able to see it a little better?

16 **MS. BURL:** Yes. Yes, that is June 13, 2024.

17 **MR. BELLO:** June 13th, thank you. Your Honor, in connection with that

18 testimony, I'd like to offer, file, and introduce into evidence Staff Exhibit 5, which

19 is a copy of the front and back of the green card relative to the certified mailing of

20 the citation in this docket. Your Honor, I would note, as we just indicated, that the

21 original is before you for inspection.

1 **JUDGE FREY:** Thank you. I have what has been offered as Staff Exhibit 5 in
2 front of me as well as the original certified mail receipt, and confirm that a copy
3 offered by Staff Exhibit 5 matches the front and back. Staff Exhibit 5 is admitted.
4 **MR. BELLO:** Thank you, Your Honor. Ms. Burl, as of today, has a representative
5 of the carrier filed the appropriate documents to close its certificate?
6 **MS. BURL:** No, they have not.
7 **MR. BELLO:** And as of today, has the carrier filed proof of insurance or a Form
8 E with the Commission?
9 **MS. BURL:** No, they have not.
10 **MR. BELLO:** Is Staff seeking that the carrier be found guilty of failing to maintain
11 insurance filings on file with the Commission for Common Carrier Certificate
12 Number 8516 and that that certificate be cancelled?
13 **MS. BURL:** Yes.
14 **MR. BELLO:** Is the Staff also seeking that a \$25 citation fee be assessed, pursuant
15 to the June 7, 2006 General Order?
16 **MS. BURL:** Yes.
17 **MR. BELLO:** Your Honor, I have no further questions.
18 **JUDGE FREY:** Thank you. I just have a few clarifying questions, Ms. Burl. Do
19 you have the notice of cancellation letter in front of you that was admitted as Staff
20 Exhibit 2?
21 **MS. BURL:** Yes.
22 **JUDGE FREY:** Do you recall how this letter was mailed to the carrier?
23 **MS. BURL:** It was mailed by regular U.S. mail.

1 **JUDGE FREY:** Thank you. And do you have the tentative hearing letter in front
2 of you that was part of Staff Exhibit 3, in globo?
3 **MS. BURL:** Yes.
4 **JUDGE FREY:** And do you recall how that was sent in the mail?
5 **MS. BURL:** Yes. By USPS postal mail.
6 **JUDGE FREY:** All right. And Mr. Amy, the Enforcement Agent, you testified
7 that it's his signature on the letter. Who was Mr. Amy, Ms. Burl?
8 **MS. BURL:** He is my previous employee who handled all of the insurance filings
9 for the Commission.
10 **JUDGE FREY:** And he was under your supervision?
11 **MS. BURL:** Yes.
12 **JUDGE FREY:** And he's no longer employed with the Commission?
13 **MS. BURL:** That is correct.
14 **JUDGE FREY:** Thank you. And did the citation that was admitted as Staff
15 Exhibit 4, in globo, provide a time for the hearing today?
16 **MS. BURL:** Yes, 9:30 A.M.
17 **JUDGE FREY:** Thank you. And do you have what was admitted as Staff Exhibit
18 5 in front of you, Ms. Burl?
19 **MS. BURL:** Yes, ma'am.
20 **JUDGE FREY:** I believe you indicated that it was signed. Does there appear to
21 be a signature in the complete this section on delivery section, and also a printed
22 name?
23 **MS. BURL:** Yes.

1 **JUDGE FREY:** Thank you. That's all the questions I have for Ms. Burl. Do you
2 have any follow up, Mr. Bello?

3 **MR. BELLO:** No redirect, Your Honor.

4 **JUDGE FREY:** Thank you. That's all the questions I have. Commission Staff.

5 **MR. BELLO:** Thank you. Your Honor, in closing, the Commission Staff believes
6 that it's met its burden of proving by documentary and testimonial evidence that
7 Tru Enterprise Corporation dba Car Crusher Inc of Louisiana violated the
8 Commission's General Order dated October 13, 2023 by failing to maintain
9 insurance on file with the Commission. As Ms. Burl indicated, Commission Staff
10 is seeking that the company be found guilty of that violation, that Common Carrier
11 Certificate Number 8516 be cancelled, and that the carrier be ordered to pay a
12 citation fee in the amount of \$25.

13 **JUDGE FREY:** Thank you. And just for completeness, what legal authority
14 permits cancellation of the carrier's certificate?

15 **MR. BELLO:** Your Honor, we have -- I believe the October 13, 2023 has that as
16 well, and I am drawing a blank on which Title 45 provision it is, but is it 171 that
17 authorizes the -- I'll have to look it up. I'd be happy to either brief that for you, or
18 look it up quickly, if you'd allow me. I have my green book here, if you want, Your
19 Honor.

20 **JUDGE FREY:** I'll give you a moment to look it up, just so we have completeness
21 for the record.

22 **MR. BELLO:** Sure. Thank you, Judge. For the record, you can see I'm out of
23 practice. I apologize, Your Honor, for the delay.

1 **JUDGE FREY:** No problem.

2 **MR. BELLO:** Your Honor, I believe it is the 2023 General Order, but if you would
3 allow me the time to provide additional information to the tribunal, I'd hate to
4 continue to waste your time. I know I can find the specific citation.

5 **JUDGE FREY:** If we want to just take a brief recess --

6 **MR. BELLO:** Sure. Thank you.

7 **JUDGE FREY:** -- then you can look without us being on the record. We'll just
8 take a brief recess. I'll be in my office, you can let me know.

9 **MR. BELLO:** Thank you, Judge.

10 **JUDGE FREY:** In the meantime, I will leave the original to Exhibit 5 right here,
11 but we'll just take a brief recess.

12 **[OFF THE RECORD]**

13 **[BACK ON THE RECORD]**

14 **JUDGE FREY:** So we are back on the record for our transportation citation
15 hearings this morning. We had taken a brief recess in Docket Number T-37199.
16 We are back on the record in Docket Number T-37199 - Louisiana Public Service
17 Commission versus Tru Enterprise Corporation dba Car Crusher Inc of Louisiana.
18 We had taken a recess for Mr. Bello to locate the authority for cancellation of
19 authority for this carrier. And Mr. Bello?

20 **MR. BELLO:** Thank you, Your Honor. Justin Bello, again, on behalf of
21 Commission Staff. And I apologize, my time away from Transportation has left
22 me a little flat footed. The authority that we're relying on ultimately comes from
23 the Constitution, Article 4, Section 21, but the specific General Order that the

1 Commission Staff relies on for citing for insurance coverage is the October 13,
2 2023 General Order, Section 16 specifically.

3 **JUDGE FREY:** Okay. And Section 16 refers to if the Commission requests
4 insurance filings from a carrier and they fail to provide it; is that correct, Mr. Bello?

5 **MR. BELLO:** That is correct, Your Honor.

6 **JUDGE FREY:** So in this circumstance, we had a carrier -- I want to take a look
7 at it -- so Staff may seek cancellation of a carrier's authority after due notice in
8 hearing based on a carrier's failure to update insurance filings with the Commission
9 if the carrier's failed to update insurance filings within three years, or if the motor
10 carrier fails to update insurance filings based on Staff's request for updated filings
11 within three years from the date of the last insurance filing. So if this is the
12 provision you're relying on, Mr. Bello, just please explain Paragraph 16 in relation
13 to the facts of the case in this matter.

14 **MR. BELLO:** Thank you, Your Honor. It's Commission Staff's position that by
15 sending both the informal letters of Staff 2 and Staff 3, which are the cancellation
16 letter and the tentative hearing letter, in both of those, we do request that they file
17 updated insurance with the Commission.

18 **JUDGE FREY:** Okay.

19 **MR. BELLO:** With Provision 16 allowing for cancellation when we request such.

20 **JUDGE FREY:** Okay. And what is the Staff's position with regard to the
21 applicability of Revised Statute 45:166 to the current proceedings?

22 **MR. BELLO:** I'd be happy to review that briefly, Your Honor. Thank you, Your
23 Honor. We believe that Title 45:166 directly applies here because we have an

1 individual who is no longer in line with one of our rules and regulations, which is
2 to keep insurance on file with the Commission. Your Honor, if the cited carrier is
3 required to have insurance on file and they don't, we believe you can use Title
4 45:166 after due notice and a hearing to cancel a certificate.

5 **JUDGE FREY:** All right. Thank you, Mr. Bello. Does Staff have anything further
6 in this matter?

7 **MR. BELLO:** No, Your Honor. And thank you for your patience.

8 **JUDGE FREY:** Absolutely. If there's nothing further in this matter, this hearing
9 is adjourned. And that is all of the hearings I have on the docket for today.

10 **MR. BELLO:** Thank you, Judge.

11 **JUDGE FREY:** Is there anything further before we conclude today's
12 transportation hearings?

13 **MR. BELLO:** No, Your Honor.

14 **JUDGE FREY:** Thank you. If there's nothing further, these hearings are
15 adjourned.

16

17 **(WHEREUPON, THE HEARING WAS ADJOURNED)**

18

1 I hereby certify that the foregoing pages 1 through 32 are true and correct to
2 the best of my knowledge of the transportation citation hearings held on July
3 11, 2024.

4 *****

5 **Rough Draft by:**

6 Kayla Fiorenza

7 Kayla Fiorenza,
8 Court Reporter

July 11, 2024

Date

9 **Proofed by:**

10 Beth Boozer

11 Beth Boozer,
12 Court Reporter

July 12, 2024

Date

13 **Finalized by:**

14 Kayla Fiorenza

15 Kayla Fiorenza,
16 Court Reporter

July 15, 2024

Date

17