

LOUISIANA PUBLIC SERVICE COMMISSION

ORDER NO. T-32200

LOUISIANA PUBLIC SERVICE COMMISSION VERSUS STRIKE CONSTRUCTION, LLC (SPRING, TEXAS)

Docket Number T-32200 - Louisiana Public Service Commission vs. Strike Construction, LLC (Spring, Texas). In re: Alleged violation of Louisiana Revised Statutes Title 45:161 through 180.1 as amended, by operating Intrastate without LPSC authority on forty-six (46) counts; allegedly occurring on or about November 1, 2011 through November 30, 2011.

(Decided at the February 15, 2012 Business and Executive Meeting)

OVERVIEW:

On January 13, 2012, the Louisiana Public Service Commission issued a citation to Strike Construction, LLC (Spring, Texas), directing the Carrier to show cause at a hearing to be held on March 15, 2012, why it should not be found guilty of violating Louisiana Revised Statutes Title 45:161 through 180.1 as amended, by operating without LPSC authority on forty-six (46) counts; allegedly occurring on or about November 1, 2011 through November 30, 2011. Notice of this proceeding was published in the January 20, 2012, edition of the Commission's Official Bulletin.

Strike Construction, LLC does not have any type of LPSC authority. However, on the dates in question the Carrier transported E&P waste, namely oil base mud to the White Oaks Landfill for disposal. A complaint was made by another LPSC certificated carrier and Staff obtained the UIC-28's from the landfill which confirmed the illegal loads.

By stipulation and agreement dated February 9, 2012, the Carrier agreed to plead guilty to the alleged violations, waived its right to a hearing and agreed to pay a fine of \$1,000.00, per count, with \$500.00 per count being suspended, conditioned on Strike Construction, LLC not committing any additional violations within the following 12 months, from the date of the Stipulation and Agreement. It was agreed that the unsuspended portion of the fine and the citation fee, for a total of \$23,025.00, would be paid within 15 days of the issuance of the Order herein.

The Carrier agreed that it had violated Louisiana Revised Statutes Title 45:161 through 180.1 as amended, by operating without authority on forty-six (46) counts. The Carrier is a first offender and the

plea agreement and fine are consistent with other recent pleas and fines approved by the Commission. The Carrier has filed an application for waste authority.

STAFF RECOMMENDATION:

That the Commission exercise its original and primary jurisdiction herein under Rule 57 and accept the agreement between Staff and the Carrier, dated February 9, 2012, wherein the Carrier agreed to plead guilty and agreed to pay a fine of \$1,000.00, per count, with \$500.00 per count being suspended, conditioned on Strike Construction, LLC not committing any additional violations within the following 12 months, from the date of the Stipulation and Agreement and agreed that the unsuspended portion of the fine and the citation fee, for a total of \$23,025.00, would be paid within 15 days of the issuance of the Order herein.

COMMISSION ACTION:

On motion of Commissioner Boissiere, seconded by Commissioner Field, with Commissioners Campbell and Skrmetta concurring and Commissioner Holloway temporarily absent, the Commission voted to take this matter up pursuant to Rule 57.

On motion of Commissioner Campbell, seconded by Commissioner Boissiere, with Commissioners Field and Skrmetta concurring and Commissioner Holloway temporarily absent, the Commission voted to accept the Staff Recommendation and adopt the agreement between Staff and the Carrier, dated February 9, 2012, wherein the Carrier agreed to plead guilty and agreed to pay a fine of \$1,000.00, per count, with \$500.00 per count being suspended, conditioned on Strike Construction, LLC not committing any additional violations within the following 12 months, from the date of the Stipulation and Agreement and agreed that the unsuspended portion of the fine and the citation fee, for a total of \$23,025.00, would be paid within 15 days of the issuance of the Order herein.

IT IS THEREFORE ORDERED:

That the Guilty Plea entered into by the Carrier, Strike Construction, LLC, to the allegations that it had operated without LPSC authority on forty-six (46) counts; allegedly occurring on or about November 1, 2011 through November 30, 2011, be and is hereby accepted and that a fine of \$1,000.00, per count, with \$500.00 per count being suspended is hereby imposed, the suspended portion of the fine being conditioned on not committing any additional violations within 12 months of the date of the Order.

The Carrier is further ordered to pay a citation fee of \$25.00, the unsuspended portion of the fine and the citation fee, for a total of \$23,025.00, to be paid within 15 days of the issuance of the Order herein.

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

May 4, 2012

/S/ FOSTER L. CAMPBELL

DISTRICT V

CHAIRMAN FOSTER L. CAMPBELL

/S/ JAMES M. FIELD

DISTRICT II

VICE CHAIRMAN JAMES M. FIELD

/S/ ERIC F. SKRMETTA

DISTRICT I

COMMISSIONER ERIC F. SKRMETTA

/S/ LAMBERT C. BOISSIERE

DISTRICT III

COMMISSIONER LAMBERT C. BOISSIERE, III



EVE KAHAO GONZALEZ
SECRETARY

/S/ CLYDE C. HOLLOWAY

DISTRICT IV

COMMISSIONER CLYDE C. HOLLOWAY