

LOUISIANA PUBLIC SERVICE COMMISSION

ORDER NO. T-35402

LOUISIANA PUBLIC SERVICE COMMISSION

VS.

BADGER DAYLIGHTING CORP. (BROWNSBURG, INDIANA)

Docket No. T-35402, In Re: Alleged violation of La. R.S. 45:161 through 180.1 and General Order dated January 23, 2018, by operating Intrastate without LPSC authority to transport non-hazardous oilfield waste on five (5) counts; allegedly occurring on or about April 01, 2019 through June 30, 2019.

(Decided at the December 18, 2019 Business and Executive Session)

I. Background

The Louisiana Public Service Commission (“LPSC” or “Commission”) Staff issued a citation to Badger Daylighting Corp. (Brownsburg, Indiana) (“Badger Daylighting”) for five counts of operating intrastate without LPSC authority to transport non-hazardous oilfield waste.

Staff conducted an audit of E&P Waste Manifests maintained by the Louisiana Department of Natural Resources, Office of Conservation for the months of April through June of 2019. As a result of this audit, Staff found evidence that Badger Daylighting violated La. R.S. 45:161 through 180.1 by hauling non-hazardous oilfield waste intrastate without authority on five counts. Staff subsequently issued a citation to Badger Daylighting on November 1, 2019.

II. Jurisdiction

The Commission exercises jurisdiction over common carriers and public utilities 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.”

Further, La R.S. 45:171(A) provides that “[n]o person shall violate or knowingly assist in the violation of any of the provisions of this Chapter or any of the rules, regulations, orders, or decrees of the commission...”

III. Stipulation

In response to the citation, Badger Daylighting signed an Affidavit and Stipulation admitting to the violations and agreed to a fine of \$2,000.00 per count, with \$1,000.00 of the fine per count suspended conditioned on Badger Daylighting not being found guilty, entering a plea of guilty, or entering a plea of no contest to any additional violations for a period of one year. Badger Daylighting agreed that the total fine of \$5,000.00, together with a \$25.00 citation fee, for a total of \$5,025.00 would be due upon execution of the Affidavit and Stipulation.

Badger Daylighting also agreed in the Affidavit and Stipulation to the following:

- To cease providing intrastate regulated waste hauling services until such time as Badger Daylighting receives a common carrier certificate from the Commission authorizing operations as a waste hauler;
- Remit all payments due in certified funds, and submit the executed Affidavit and Stipulation with the payment and citation fee in the amount of \$5,025.00 by December 30, 2019; and,
- Failure to comply with any of the provision of the Affidavit and Stipulation will result in the \$1,000.00 suspended fine per count becoming due immediately.

IV. Commission Action

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

On motion of Commissioner Skrmetta, seconded by Commissioner Greene, and unanimously adopted, the Commission voted to approve the Affidavit and Stipulation executed on November 21, 2019, by the Carrier admitting to the alleged violations and agreeing to a total fine of \$5,000.00 and a citation fee of \$25.00.


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an Order in that matter is issued addressing the SQIP and Valley District vegetation management budget prior December 31, 2021, it shall supersede this Order as to the SQIP and Valley District vegetation management budget.

5. A review of the appropriate annual spending levels and method of recovery for the SWEPCO SQIP and the Valley District vegetation management budget shall take place no later than June 1, 2020, if SWEPCO is relieved of its obligation to file a base rate proceeding on or before December 13, 2019.
6. This Order is effective immediately.

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

January 10, 2020



**DISTRICT IV
CHAIRMAN MIKE FRANCIS**



**DISTRICT V
VICE CHAIRMAN FOSTER L. CAMPBELL**



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



**BRANDON M. FREY
SECRETARY**



**DISTRICT I
COMMISSIONER ERIC F. SKRMETTA**



**DISTRICT II
COMMISSIONER CRAIG GREENE**