

# LOUISIANA PUBLIC SERVICE COMMISSION

ORDER NUMBER T-36323

## LOUISIANA PUBLIC SERVICE COMMISSION VERSUS JOANN GONZALEZ DBA DISCOUNT TOWING AND RECOVERY SERVICE

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*Docket No. T-36323, In re: Cancellation of Common Carrier Certificate Number 7851 for failure to maintain the required insurance coverage on file with the Commission pursuant to Commission's General Order dated January 12, 1976.*

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(Decided July 25, 2022.)

### ORDER

#### *Overview*

The Louisiana Public Service Commission ("LPSC" or "Commission") issued a citation to JoAnn Gonzalez dba Discount Towing and Recovery Service ("Carrier") on April 13, 2022, directing the Carrier to show cause at a hearing on June 2, 2022, why its Common Carrier Certificate Number 7851 should not be canceled due to the Carrier's failure to maintain proof of required insurance coverage on file with the Commission as required by the Commission's General Order dated January 12, 1976. When the hearing was convened on June 2, 2022, the Commission Staff appeared and moved to continue the hearing until July 7, 2022. The Tribunal issued a Ruling on Motion to Continue and Notice of Rescheduled Hearing Date on June 2, 2022, noticing the hearing for July 7, 2022. When the hearing was convened on July 7, 2022, the Commission Staff appeared and presented its case. The Carrier failed to appear and present a defense. Commission Staff filed the LPSC Staff's Post-Hearing Brief on July 15, 2022.

#### *Applicable Law*

The Commission's jurisdiction over common carriers and public utilities is established by the 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 interest of the State and the powers of the Commission over motor carriers operating intrastate, including wreckers and towing services. Tow trucks are classified as "motor carriers" subject to the Commission's regulation, and motor carriers

includes common carriers by motor vehicle and contract carriers by motor vehicle.<sup>1</sup>

The Commission's jurisdiction over wreckers and towing services is explicitly addressed in La. R.S. 45:180.1 which declares that "the operation or use of wreckers or towing services for hire, charge or compensation or for any benefit amounting to a consideration is a business affected with the public interest."<sup>2</sup> Also, that "the [C]ommission has power and authority necessary to supervise, govern, regulate, and control the business of the operation and use of wreckers and towing services"<sup>3</sup> and the "power, authority, and duties of the [C]ommission shall include all matters connected with the service to be given or rendered, [and] the records to be kept by persons engaged in said business."<sup>4</sup> A common carrier certificate or contract carrier permit issued by the Commission is required in order to engage in the business of the operation and use of wreckers and towing services.<sup>5</sup> Pursuant to its authority, the Commission adopted rules applicable to wrecker and towing services providing non-consensual towing and recovery services, most recently the Commission's General Order dated February 17, 2022.<sup>6</sup>

With regard to insurance, La. R.S. 45:163(D)(1)(b) provides as follows:

The commission shall require the following policies of insurance and indemnity bonds:

...

(b) Public liability and property damage insurance on trucks and passenger carrying vehicles operated by both common and contract carriers providing coverage of two hundred fifty thousand dollars for injury or death to any one person not to exceed five hundred thousand dollars per occurrence, and ten thousand dollars property damage. Public liability and property damage insurance for tow trucks or wreckers providing coverage of not less than five hundred thousand dollars combined single limits coverage.

The Commission's General Order dated January 12, 1976 requires intrastate motor carriers to maintain proof of required insurance coverage on file at the Commission through the filing of a Form E, Uniform Certificate of Insurance. The Commission's General Order dated January 12, 1976, provides in pertinent part:

All initial insurance filings, and filings to replace expiring, or expired, insurance coverage shall be made on a continuous basis to remain in effect until canceled on not less than thirty (30) days' notice...

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<sup>1</sup> La. R.S. 45:162(12).

<sup>2</sup> La. R.S. 45:180.1 (A).

<sup>3</sup> La. R.S. 45:180.1 (C)(1).

<sup>4</sup> La. R.S. 45:180.1(C)(2).

<sup>5</sup> La. R.S. 45:180.1(E).

<sup>6</sup> Louisiana Public Service Commission General Order dated February 17, 2022; Docket No. R-35595, *In re: Review of the Schedule of Prescribed Rates and Requirements for Towing and Recovery services in General Order dated August 05, 2016*, Amended Attachment A, Schedule of Prescribed Rates and Requirements for Non-Consensual Towing, Recovery and Related Services.

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Filings will be made on the Uniform Certificate of Insurance Form E, but Louisiana Public Service Commission Form 100 will be permitted as a substitute if it is filed on a continuous basis.

A carrier's certificate or permit may be revoked, after notice and hearing, for failure to comply with applicable law or any lawful Commission Order, rule or regulation.<sup>7</sup> Furthermore, the Commission's General Order dated June 7, 2006 authorizes the imposition of a \$25 citation fee when a citation is issued to a Commission-jurisdictional motor carrier and that carrier is determined to have violated a Commission Order.

### ***The Commission Staff's Case***

The Commission Staff alleges that the Carrier failed to maintain proof of its bodily injury and property damage ("BI & P") insurance on file with the Commission in violation of the Commission's General Order dated January 12, 1976; that the Carrier's Common Carrier Certificate Number 7851 should be canceled; and, the Carrier should be assessed a \$25 citation fee in accordance with the Commission's General Order dated June 7, 2006. In support of its allegation, the Commission Staff presented the testimony of Tanza Clark.

### **Testimony of Tanza Clark**

Ms. Clark is an Enforcement Agent with the Commission's Transportation Division whose job duties include overseeing insurance compliance for regulated motor carriers. Ms. Clark provided testimony regarding the Commission's rules and regulations pertaining to a motor carrier's requirement to maintain proof of current insurance on file with the Commission, the events that resulted in Commission Staff issuing a citation to the Carrier, the events that have transpired since the issuance of the citation, and the penalties that the Commission Staff is seeking in this proceeding.

Ms. Clark testified as to the requirement set forth in the Commission's General Order dated January 12, 1976 that regulated carriers submit a Form E as proof of insurance, and that the Commission is notified of 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") from a carrier's insurance provider. Ms. Clark stated that the Carrier is a non-consensual towing company regulated by the Commission.

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<sup>7</sup> La. R.S. 45:166(A).

Ms. Clark attested that, on November 19, 2021, the Commission's Transportation Division received a Form K from the Carrier's insurer, AmGuard Insurance Company, indicating that the Carrier's BI & P insurance policy would be canceled effective December 20, 2021. The address listed for the Carrier on the Form K is the same address on file with the Commission. The Commission did not receive proof of replacement insurance coverage for the policy to be canceled; thus, the Commission's Transportation Division issued a notice of cancellation to the Carrier on December 28, 2021. This letter advised the Carrier to immediately cease operations until replacement coverage is filed with the Commission, and proceedings to cancel its authority may be instituted if the insurance filings are not submitted. Ms. Clark stated that the notice of cancellation letter was mailed to the Carrier at the address on file with the Commission via United States Postal Service ("USPS") regular mail and it was not returned.

According to Ms. Clark, the Carrier did not submit proof of insurance coverage after the issuance of the December 28, 2021 notice of cancellation. Additionally, that the Transportation Division had not received any change of address notice for the Carrier. Thus, on January 31, 2022, the Commission mailed a tentative hearing letter to the Carrier at the address on file with the Commission via USPS regular mail. This tentative hearing letter notified the Carrier that a tentative hearing date of May 5, 2022 was set, and gave a deadline of February 15, 2022 to submit proof of replacement insurance to the Transportation Division. A copy of the December 28, 2021 notice of cancellation was attached to the January 31, 2022 tentative hearing letter. Ms. Clark testified that the tentative hearing letter dated January 31, 2022 was not returned to the Commission as undeliverable. She testified further that the Transportation Division had not received any change of address notice for the Carrier.

Ms. Clark averred that the Carrier did not submit proof of insurance after the mailing of the January 31, 2022 tentative hearing letter, but she missed the deadline for the Commission's Official Bulletin to cite the Carrier to appear at a hearing on May 5, 2022. Additionally, she testified that the Transportation Division had not received any change of address notice for the Carrier. Therefore, on March 24, 2022, the Commission mailed a second tentative hearing letter to the Carrier at the address on file with the Commission via USPS regular mail. The second tentative hearing letter notified the Carrier that a tentative hearing date of June 2, 2022 was set, and gave a deadline of April 8, 2022 to submit proof of replacement insurance to the Transportation Division. This letter also advised the Carrier that, if it was no longer operating, it should submit a Form T-

80 by April 8, 2022 to close the Carrier's LPSC account. A copy of the December 28, 2021 notice of cancellation letter was attached. Ms. Clark testified that the second tentative hearing letter dated March 24, 2022 was not returned to the Commission as undeliverable.

Ms. Clark stated that after mailing the second tentative hearing letter, the Commission neither received a Form E evidencing replacement insurance nor a Form T-80 to close the Carrier's account. Consequently, the Transportation Division issued a citation to the Carrier on April 13, 2022 advising the Carrier that it was required to appear at a hearing on June 2, 2022 to show cause why its Common Carrier Certificate 7851 should not be canceled, and that a citation fee in the amount of \$25 had been assessed to the Carrier's account. Attached to the citation were the two tentative hearing letters and the cancellation notice that were previously sent to the Carrier. The citation was sent to the address on file for the Carrier via USPS regular mail and certified mail return receipt requested. In addition, notice of the citation was published in the Commission's Official Bulletin #1269 on April 14, 2022. Ms. Clark testified that the mailing sent via regular mail was not returned. Further, that the certified mailing was returned to the Commission as unclaimed, specifying that the certified mail envelope with the return receipt was returned to the Transportation Division undated and unsigned indicating that it was not delivered. Ms. Clark stated that she removed the citation with its attachments from its original certified mail envelope and placed it in a FedEx envelope on June 3, 2022, affixing a sticky note to the returned certified mail envelope documenting her actions.

Ms. Clark explained that the Commission Staff requested, at the June 2, 2022 hearing, that the hearing be rescheduled to July 7, 2022 as a result of the Carrier not being properly served with the citation. The Tribunal issued a ruling on June 2, 2022 granting the Commission Staff's request and rescheduling the hearing to July 7, 2022. Ms. Clark testified that she mailed a modified copy of the Ruling on Motion to Continue and Notice of Rescheduled Hearing Date ("Ruling") with the citation and its attachments to the Carrier at its address on file with the Commission. Ms. Clark attested that she modified the Ruling by adding a notation at the bottom stating that, on June 3, 2022, she sent the Ruling and the original citation with attachments via FedEx, included the FedEx tracking number in the notation, and signed her name by this notation. Ms. Clark testified that this mailing was sent via FedEx to the Carrier at the address on file with the Commission, and that the FedEx package was not returned to the Commission. Ms. Clark identified a FedEx Tracking website printout, and testified that it reflected that the FedEx package containing the Ruling with

attachments was delivered to the Carrier at the address on file with the Commission on June 6, 2022 at 2:24 P.M. and signed for by B. Broussard. Ms. Clark testified that she was unsure of the handwritten “C19” on the tracking printout where the recipient’s signature would be captured, and relied on what was printed above the signature capture area that states, “Signed for by: B. Broussard.”

According to Ms. Clark, as of the date of the hearing, the Carrier had neither filed a Form E showing proof of insurance coverage nor the necessary documents to close its LPSC account. Ms. Clark testified that, on May 20, 2022, she called the business number for the Carrier and spoke with an individual who identified himself as JoAnn Gonzalez’s husband; also, that he acknowledged receipt of the notices sent by the Commission, and he advised Ms. Clark that Ms. Gonzalez was retired. Ms. Clark stated that Staff is seeking a finding by the Commission that the Carrier is guilty of failing to maintain required insurance, that its common carrier certificate be canceled, and the Carrier be assessed a \$25 citation fee.

In connection with the testimony of Ms. Clark, the Commission Staff submitted the following documents into evidence:

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|----------------------------------|---|
| Staff Exhibit 1                  | A copy of the Form K Uniform Notice of Cancellation of Motor Carrier Insurance Policies dated November 19, 2021, reflecting an effective cancellation date of December 20, 2021 for an insurance policy or policies (BI and P) issued by AmGuard Insurance Company to “(DBA) Discount Towing & Recovery Service JoAnn Gonzalez”;                                |
| Staff Exhibit 2                  | A copy of correspondence on Commission Transportation Division letterhead, dated December 28, 2021, bearing the signature of Tammy Burl, Transportation Administrator, Louisiana Public Service Commission, addressed to JoAnn Gonzalez, Discount Towing and Recovery Service with the subject line “RE: CANCELLATION OF INSURANCE FILING WITH THE COMMISSION”; |
| Staff Exhibit 3, <i>in globo</i> | A copy of correspondence on Commission letterhead, dated January 31, 2022, bearing the signature of Tanza Clark, Enforcement Agent, addressed to JoAnn Gonzalez, dba Discount Towing and Recovery Service with the subject line “RE: Insurance” with an attached copy of the December 28, 2021 letter (Staff Exhibit 2);  |
| Staff Exhibit 4, <i>in globo</i> | A copy of correspondence on Commission letterhead, dated March 24, 2022, bearing the signature of Tanza Clark, Enforcement Agent, addressed to JoAnn Gonzalez, dba Discount Towing and Recovery Service with the subject line “RE: Insurance” with an attached copy of the December 28, 2021 letter (Staff Exhibit 2);  |
| Staff Exhibit 5, <i>in globo</i> | A copy of the citation issued to JoAnn Gonzalez, dba Discount Towing and Recovery Service, with attached copies of the December 28, 2021 letter (Staff Exhibit 2), the January 31, 2022 letter (included in Staff Exhibit 3, <i>in globo</i> ), and the March 24, 2022 letter (included in Staff Exhibit 4, <i>in globo</i> );                                  |

Staff Exhibit 6, *in globo* A copy of the front of an envelope addressed to JoAnn Gonzalez dba Discount Towing and Recovery Service with USPS certified mail tracking number 7012 1010 0003 2363 2733, a USPS label bearing the words “Return to Sender”, “Not Deliverable as Addressed”, “Unable to Forward” and a handwritten sticky note that reads “Tanza Clark opened this envelope on 6/3/22 Took the original citation out and placed it in a Fed ex envelope” and a copy of the front of an unsigned certified mail return receipt bearing tracking number 7012 1010 0003 2363 2733.

Staff Exhibit 7, *in globo* A copy of the Ruling on Motion to Continue and Notice of Rescheduled Hearing Date issued June 2, 2022 by Administrative Law Judge Joy Guillot modified with the following typewritten notation at the bottom: “On June 03, 2022 sent this notice & original citation via FedEx Tracking #7770 3249 9859 to: 5906 Old Gentilly Road; New Orleans, LA 70126” followed by Tanza Clark’s signature and a copy of the citation with attachments (Staff Exhibit 5, *in globo*); and,

Staff Exhibit 8 A copy of a printout from the FedEx Tracking website for tracking number 77703299859 containing shipment and tracking information, including the following: “Delivered, Monday, 6/6/2022 at 2:24 pm”; “Adult Signature Required”; “Signed for by: B. BROUSSARD”; and, handwritten in the signature capture area “C19”.

#### Staff Post-Hearing Brief

At the conclusion of the hearing on July 7, 2022, Commission Staff was provided an opportunity to file a post-hearing brief to address service to the Carrier of the Ruling with the citation and its attachments via FedEx, and particularly the “C19” notation in the signature capture area on the FedEx Tracking printout admitted as Staff Exhibit 8. On July 15, 2022, the Commission Staff filed the LPSC Staff’s Post-Hearing Brief. Commission Staff included, and attached as Exhibit A, the current FedEx signature policy when the shipper selects “Adult signature required” which states as follows:

FedEx obtains a signature from someone at the delivery address who is at least the age of majority (no longer a minor) in the destination country. Government-issued photo identification or other identification customarily accepted by local authorities is required. If there is no eligible recipient at the address, FedEx may reattempt the delivery. For U.S. deliveries, the recipient must be 21 years of age and present government-issued photo identification.<sup>8</sup>

The Commission Staff averred that the issue presented in the instant proceeding is similar to proceedings wherein the Commission found that the Carrier was provided fair notice of a hearing where “C-19” was written on the signature line of the USPS certified mail return receipt and where the Commission acknowledged the published no-contact policy of the USPS allowing postal

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<sup>8</sup> LPSC Staff’s Post-Hearing Brief at 2.

employees to obtain the first initial and last name of the customer and enter that information on the electronic screen or hard copy rather than obtaining an actual signature from the customer.<sup>9</sup>

The Commission Staff stated that the FedEx mailing was sent to the Carrier's address on file with the Commission in accordance with Rule 7 of the Commission Rules of Practice and Procedure, as most recently amended in Special Order No. 72-2021, which provides for service through "any means whereby proof of receipt or unclaimed status can be shown" and such notice is sent "to the last known place of address of the person entitled to receive such notice . . . ."<sup>10</sup>

The Commission Staff argued that Rule 7 does not require a legible signature, only proof of receipt or unclaimed status and that the FedEx Tracking printout provides proof that the citation was delivered to the Carrier's address on file with the Commission satisfying its burden as required by Rule 7.<sup>11</sup> Moreover, that Ms. Clark's testimony that the Transportation Division sent several letters to the Carrier at that address that were not returned, and that she spoke to the Carrier's husband who acknowledged receipt of the Commission's correspondence demonstrates that the Commission Staff satisfied its service requirements.<sup>12</sup>

The Commission Staff reiterated its request that the Carrier be found guilty for failing to maintain required insurance, that its Common Carrier Certificate Number 7851 be canceled, and that a \$25 citation fee be assessed.

### ***Findings of Fact and Conclusions of Law***

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

#### ***Findings of Fact***

1. The Carrier currently holds Common Carrier Certificate Number 7851.
2. On November 19, 2021, the Commission received a Form K advising that the Carrier's "BI and P" (bodily injury and property damage) insurance was scheduled for cancellation on December 20, 2021. The Carrier's address on the Form K is the address on file with the Commission.
3. On December 28, 2021, the Commission's Transportation Division mailed a letter via USPS regular mail to the Carrier at its address on file with the Commission advising that the Commission had received a Form K notification of cancellation of the Carrier's insurance effective December 20, 2021, and that the Commission had not received proof of replacement coverage. The letter suggested that the Carrier contact its insurance company to provide proof of replacement coverage through the filing of a replacement

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<sup>9</sup> LPSC Staff's Post-Hearing Brief at 3, citing Commission Order Nos. T-35943 and T-36184.

<sup>10</sup> Special Order No. 72-2021, 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*. (November 22, 2021).

<sup>11</sup> LPSC Staff's Post-Hearing Brief at 4.

<sup>12</sup> *Id.*



Form E, noting that the replacement coverage should be effective as of the cancellation date of the previous policy. Further, that the Carrier cease operations until proof of replacement coverage was filed, and if a replacement Form E was not filed on the Carrier's behalf, proceedings may be instituted at the Commission for the purpose of canceling the Carrier's intrastate operating authority. The letter was not returned to the Commission as undeliverable.

4. On January 31, 2022, after receiving no response from the Carrier following the December 28, 2021 letter, the Transportation Division mailed a letter via USPS regular mail to the Carrier at its 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, as the Commission had not received a new Form E demonstrating replacement coverage. The letter also advised that if the Carrier did not comply, the Transportation Division would proceed to issue a citation, and that a hearing on the matter had been tentatively scheduled for May 5, 2022. The letter was not returned to the Commission as undeliverable.
5. On March 24, 2022, after receiving no response from the Carrier following the January 31, 2022 letter, the Transportation Division mailed another letter via USPS regular mail to the Carrier at its 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, as the Commission had not received a new Form E demonstrating replacement coverage. This letter advised that if the Carrier did not comply, the Transportation Division would proceed to issue a citation, and that a hearing on the matter had been tentatively scheduled for June 2, 2022. In addition, that if the Carrier was no longer operating, to submit a Form T-80 to the Commission to close its LPSC account. The letter was not returned to the Commission as undeliverable.
6. The Commission did not receive proof of replacement coverage or a Form T-80, and on April 13, 2022, the Transportation Division issued a citation via USPS regular mail and certified mail return receipt requested to the Carrier's address on file with the Commission directing the Carrier to appear at a hearing on June 2, 2022. The regular mail was not returned to the Commission. The complete certified mailing was returned to the Commission marked by the USPS "Return to Sender", "Not Deliverable as Addressed", "Unable to Forward" with the return receipt unsigned.
7. At the hearing on June 2, 2022, Commission Staff requested the hearing be rescheduled for July 7, 2022. The Administrative Hearings Division issued a Ruling on Motion to Continue and Notice of Rescheduled Hearing Date rescheduling the hearing for July 7, 2022. Notice of this rescheduled hearing with the citation and its attachments was sent to the Carrier at its address on file with the Commission via FedEx with the tracking number 777032499859, adult signature required. A printout from the FedEx Tracking website for tracking number 777032499859 states it was delivered to the Carrier's address on file with the Commission on June 6, 2022 at 2:24 P.M., signed for by "B. Broussard", and in the area where the signature would be captured, "C19" is handwritten.
8. The Carrier did not appear at the July 7, 2022 hearing, and as of the date of the hearing, the Commission had not received any documentation of replacement insurance coverage for the Carrier or a Form T-80 to close the Carrier's LPSC account.

### *Conclusions of Law*

1. At the hearing in this matter, the Commission Staff had the burden of proving its allegations against the Carrier. Because the Carrier did not appear at the hearing, the 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 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 constitutional and legislative mandate, and Commission Orders adopted pursuant thereto, the Commission has the authority to regulate towing and wrecker

services (which are defined as motor carriers) providing non-consensual towing and recovery services, and to ensure that such entities maintain levels of insurance required by statute and by Commission General Orders. The Commission's General Order dated January 12, 1976 provides that intrastate motor carriers must maintain proof of required insurance coverage on file with the Commission through the filing of a Form E.

3. In this proceeding, the Staff established through testimony and evidence that the Carrier failed to provide proof that its insurance coverage had been extended beyond the December 20, 2021 cancellation date stated in the Form K received on November 19, 2021. Thus, we find that the Carrier failed to maintain proof of effective insurance coverage on file with the Commission as required by the Commission's General Order dated January 12, 1976.
4. Pursuant to its constitutional and statutory authority, the Commission has adopted Rules of Practice and Procedure. Pertinent to this proceeding, Commission Rules 7 and 19 provide for notice of non-criminal proceedings through publication in the Commission's Official Bulletin, as well as through 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 . . . ."
5. The Commission's Transportation Division initially issued a citation to the Carrier by USPS regular mail and certified mail return receipt requested to the Carrier's address on file with the Commission; however, the certified mailing was returned to the Commission unsigned and marked by the USPS with "Return to Sender", "Not Deliverable as Addressed", "Unable to Forward". Commission Staff deemed the certified mailing to be insufficient.
6. The Commission's Transportation Division shipped the citation and notice of the July 7, 2022 hearing to the Carrier at its address on file with the Commission via FedEx; the FedEx Tracking printout indicates it was delivered on June 6, 2022. Commission Enforcement Agent Tanza Clark testified that she spoke to an individual identifying himself as the Carrier's husband on May 20, 2022 who acknowledged receipt of the Commission's notices. Correspondence sent by the Commission's Transportation Division to the Carrier via regular USPS mail was not returned to the Commission. Accordingly, we find that the record of this proceeding, taken as a whole, demonstrates that the Carrier received fair and sufficient notice of the hearing and the Staff's allegations and was given an opportunity to present a defense.<sup>13</sup>
7. We conclude that the Carrier's failure to maintain proof of effective insurance coverage constitutes a failure to comply with applicable law and Commission Orders; thus, cancellation of the Carrier's common carrier certificate is appropriate pursuant to La. R.S 45:166.
8. The Commission's General Order dated June 7, 2006 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:

**IT IS HEREBY ORDERED** that Common Carrier Certificate Number 7851, currently issued to JoAnn Gonzalez dba Discount Towing and Recovery Service be, and hereby is, CANCELED due to the failure of JoAnn Gonzalez dba Discount Towing and Recovery Service to maintain proof of insurance coverage on file with the Commission.

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<sup>13</sup> Order Nos. T-35943 and T-36184 cited by the Commission Staff in its post-hearing brief are distinguished from this proceeding with regard to the presence of "C19" in the signature capture area on the FedEx Tracking printout, as no evidence of a FedEx policy explaining "C19" in the signature capture area on the FedEx Tracking printout was submitted in the instant proceeding.

**IT IS HEREBY FURTHER ORDERED** that JoAnn Gonzalez dba Discount Towing and Recovery Service shall be required to pay to the Commission a \$25 citation fee.

**BY ORDER OF THE COMMISSION**  
**BATON ROUGE, LOUISIANA**  
July 25, 2022



A handwritten signature in blue ink that reads "Brandon M. Frey" followed by a stylized flourish.

**BRANDON M. FREY**  
**SECRETARY**

/S/ LAMBERT C. BOISSIERE, III  
**DISTRICT III**  
**CHAIRMAN LAMBERT C. BOISSIERE, III**

/S/ MIKE FRANCIS  
**DISTRICT IV**  
**VICE CHAIRMAN MIKE FRANCIS**

/S/ FOSTER L. CAMPBELL  
**DISTRICT V**  
**COMMISSIONER FOSTER L. CAMPBELL**

/S/ ERIC F. SKRMETTA  
**DISTRICT I**  
**COMMISSIONER ERIC F. SKRMETTA**

/S/ CRAIG GREENE  
**DISTRICT II**  
**COMMISSIONER CRAIG GREENE**