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AUG 24 2023

Phelps Dunbar LLP
11 City Plaza
400 Convention Street
Suite 1100
Baton Rouge, LA 70802
225 346 0285

LA Public Service Commission

August 24, 2023

35700-0026

Taylor J. Boudreaux
taylor.boudreaux@phelps.com
Direct 225 376 0205

VIA E-MAIL
VIA HAND DELIVERY

Tammy Burl
Transportation Administrator
Louisiana Public Service Commission
602 North 5th Street
Galvez Bldg, 12th Floor
Baton Rouge, LA 70802
tammy.burl@la.gov

Paul Rachal
Staff Attorney
Louisiana Public Service Commission
602 North 5th Street
Galvez Bldg, 12th Floor
Baton Rouge, LA 70802
paul.rachal@la.gov

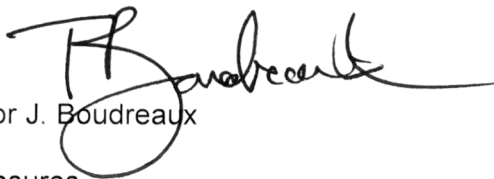
Re: **LPSC Docket No. T-36704**, LPSC v. Tidal Tank, Inc., In Re: Alleged violation of La. R.S. 45:161 through 180.1, by operating Intrastate without LPSC authority to transport non-hazardous oilfield waste on eight (8) counts; allegedly occurring on or between February 01, 2022 through February 21, 2022.

Dear Tammy and Paul:

As discussed, enclosed is the original Affidavit and Stipulation as executed by Tidal Tank, Inc., with regard to the above-referenced matter.

Please of course let us know if you have any questions. Thank you for your courtesies regarding this matter.

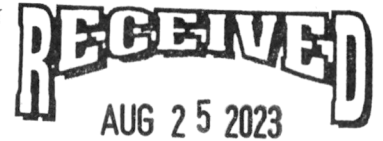
Sincerely,



Taylor J. Boudreaux

Enclosures

RECEIVED
AUG 24 2023
FISCAL
LA Public Service Commission



In re: Alleged violation of La. R.S. 45:161 through 180.1, by operating Intrastate without LPSC authority to transport non-hazardous oilfield waste on eight (8) counts; allegedly occurring on or between February 01, 2022 through February 21, 2022.

AFFIDAVIT AND STIPULATION

I, John B. Nickerson, whose title or position is vice president of Tidal Tank, Inc. ("TIDAL TANK") and who is authorized to sign this Affidavit and Stipulation, herein enters a plea of no contest to the allegation that, that TIDAL TANK violated La. R.S. 45:161 through 180.1, by operating intrastate without LPSC authority to transport non-hazardous oilfield waste on eight (8) counts; allegedly occurring on or between February 01, 2022 through February 21, 2022. As a result, I agree to the imposition of a fine of \$16,000.00, with \$8,000.00 of the fine being suspended contingent on TIDAL TANK not being found guilty of, entering a plea of guilty to, or entering a plea of no contest to violating any of the rules and regulations of the Commission for a period of one year from the date of this executed stipulated agreement.

TIDAL TANK agrees to remit to the Commission the fine of \$8,000.00, together with a \$25.00 citation fee, for a total of \$8,025.00, paid by certified funds, and submit this executed Affidavit and Stipulation, on or before August 31, 2023.

TIDAL TANK agrees that it shall cease LPSC regulated operations and shall not operate under any other motor carrier's common carrier certificate including common carrier certificate number 8276 held by Bealine Service Company, Inc. and further understands that owner/operator leases must comply with the Commission's leasing rules including fully executed lease agreements being properly filed and approved by the Commission.

TIDAL TANK also agrees that it shall implement changes to its corporate training policy which provide that all employees will receive an orientation on Commission-related statutes, rules, and orders upon employment, and thereafter on an annual basis.

TIDAL TANK understands that failure to comply with any of the above will result in the \$8,000.00 suspended fine becoming due immediately.

TIDAL TANK further understands that this Affidavit and Stipulation is to be a global settlement between the Louisiana Public Service Commission Staff and TIDAL TANK of any and all violations by TIDAL TANK of transporting Commission regulated waste without authority occurring before July 28, 2023, if any. However, I further understand that this agreement will not limit the ability of any person or body, political or municipal, other than the Louisiana Public Service Commission Staff, from filing a complaint pursuant to La. R.S. 45:1196.

TIDAL TANK waives an appearance at a hearing on the citation.

John B. Nickerson

[Handwritten Signature]

Printed Name of Affiant

Signature of Affiant

SWORN TO AND SUBSCRIBED BEFORE ME ON THIS 21st DAY OF August 2023.

Kiara Gonzalez

[Handwritten Signature]

598922

Printed Notary Name

Signature Notary Public

Notary Number



This Stipulation is agreed to by Commission Staff:

[Handwritten Signature]

Paul Rachal Bar Roll No. 40491

Staff Attorney
Louisiana Public Service Commission
602 North Fifth Street, Galvez Bldg., 12th Fl.
Baton Rouge, Louisiana 70802
Telephone: (225) 342-4999
Counsel for LPSC Staff

STATE OF LOUISIANA
LA PUBLIC SERVICE COMMISSION
POST OFFICE BOX 91154
BATON ROUGE, LOUISIANA 70821-9154

RECEIPT OF PAYMENT

Date: 08/25/2023

Receipt #: 14491

Applied To:

Tidal Tank, Inc.
3867 Plaza Tower Drive
Baton Rouge, LA 70816

Payee:

Tidal Tank, Inc.
3867 Plaza Tower Drive
Baton Rouge, LA 70816

Details

File #: 605224

Payment Details

Check #: 5006933176

Amount Applied: \$8000.00

Fees/Fines

Voucher #: 118552

Fee Code: 4520012

Description: FINES & PENALTIES-ILLEGAL
OPERATIONS

A Stipulation for Consideration by Commissioners stating that Tidal Tank, Inc. and Commission staff had reached a stipulation. ***YOU WILL NOT BE REQUIRED TO APPEAR AT THE September 7, 2023 HEARING.*** This docket will be placed on an upcoming Agenda of a Commission's Business and Executive Meeting. Subsequent to the Commissioners' vote, Tidal Tank, Inc. will be mailed an Order reflecting the vote, which will be the final decision of the Commission regarding this docket.

STATE OF LOUISIANA
LA PUBLIC SERVICE COMMISSION
POST OFFICE BOX 91154
BATON ROUGE, LOUISIANA 70821-9154

RECEIPT OF PAYMENT

Date: 08/25/2023

Receipt #: 10627

Applied To:

Tidal Tank, Inc.
3867 Plaza Tower Drive
Baton Rouge, LA 70816

Payee:

Tidal Tank, Inc.
3867 Plaza Tower Drive
Baton Rouge, LA 70816

Details

File #: 605224

Payment Details

Check #: 5006933176

Amount Applied: \$25.00

Fees/Fines

Voucher #: 118552

Fee Code: 4520010

Description: FEES - CITATIONS

A Stipulation for Consideration by Commissioners stating that Tidal Tank, Inc. and Commission staff had reached a stipulation. ***YOU WILL NOT BE REQUIRED TO APPEAR AT THE September 7, 2023 HEARING.*** This docket will be placed on an upcoming Agenda of a Commission's Business and Executive Meeting. Subsequent to the Commissioners' vote, Tidal Tank, Inc. will be mailed an Order reflecting the vote, which will be the final decision of the Commission regarding this docket.