

LOUISIANA PUBLIC SERVICE COMMISSION

ORDER NO. T-32797

LOUISIANA PUBLIC SERVICE COMMISSION V. CHANCE'S PUMPING, LLC (LOGANSPOUT, LOUISIANA)

Docket Number T-32797 – In Re: Alleged violation of Louisiana Revised Statutes Title 45:161 through 180.1 as amended, by operating Intrastate without LPSC authority on eight (8) counts; allegedly occurring on or about December 3, 2012 through December 5, 2012.

(Decided at the September 18, 2013 Business and Executive Meeting)

Background

On May 15, 2013, the Louisiana Public Service Commission ("Commission") issued a citation to Chance's Pumping, LLC ("Chance's Pumping" or "Carrier"), directing the Carrier to show cause at a hearing to be held on August 8, 2013, 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 eight (8) counts; allegedly occurring on or about December 3, 2012 through December 5, 2012. Notice of this proceeding was published in the Commission's Official Bulletin dated May 24, 2013.

As part of a routine audit completed by the LPSC Transportation Division of UIC-28 manifests provided by the Office of Conservation for the U.S. Liquids facility in Elm Grove, Louisiana, Staff discovered eight (8) loads of regulated waste hauled by Chance's Pumping. Chance's Pumping does not have LPSC authority to haul regulated waste within Louisiana. As a result of the audit, a Citation was issued. This was the first set of violations for the Carrier and the Carrier cooperated throughout the investigation. The Carrier was represented by counsel in this docket.

By stipulation and agreement signed July 31, 2013, the Carrier agreed to plead guilty and admit that it had violated Louisiana Revised Statutes Title 45:161 through 180.1 as amended, by operating without LPSC authority on eight (8) counts. As this was a first offense, the Carrier waived its right to a hearing and agreed to pay a fine of \$2,000 per count with \$1,000 per count suspended, conditioned on not committing any additional violations for one (1) year from the date of the agreement, along with a citation fee of \$25.00, for a total of \$8,025.00. The carrier has complied with the terms of the agreement and paid \$8,025.00 to the Commission.

Staff Recommendation

Commission Staff recommended that the Commission exercise its original and primary jurisdiction under Rule 57 and approve the agreement between Staff and the Carrier of July 31, 2013, wherein the Carrier agreed to plead guilty and admit that it had violated Louisiana Revised Statutes Title 45:161 through 180.1, as amended, on eight (8) counts. Further, Staff recommends that the Commission authorize and approve the fine of \$2,000 per count with \$1,000 per count suspended, conditioned on the Carrier not committing any additional violations for one (1) year from the date of the agreement, along with a citation fee of \$25.00, for a total of \$8,025.00 to be paid to the Commission.

Commission Action

This matter was considered by the Commission at the Business and Executive Session held on September 18, 2013. On motion of Commissioner Skrmetta, seconded by Commissioner Holloway, and unanimously adopted, the Commission voted to assert its original and primary jurisdiction and take this matter up pursuant to Rule 57.

On motion of Commissioner Campbell, seconded by Commissioner Holloway, and unanimously adopted, the Commission voted to approve the agreement between Staff and the Carrier of July 31, 2013, wherein the Carrier agreed to plead guilty and admit that it had violated Louisiana Revised Statutes Title 45:161 through 180.1, as amended, on eight (8) counts. Further, Staff recommends that the Commission authorize and approve the fine of \$2,000 per count with \$1,000 per count suspended, conditioned on the Carrier not committing any additional violations for one (1) year from the date of the agreement, along with a citation fee of \$25.00, for a total of \$8,025.00 to be paid to the Commission.

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IT IS THEREFORE ORDERED:

That the Guilty Plea entered into by Chance's Pumping to the allegations that it violated Louisiana Revised Statutes Title 45:161 through 180.1 as amended, by operating intrastate without authority on eight (8) counts, is hereby accepted. Accordingly, all conditions of the stipulated agreement dated July 31, 2013, are hereby given effect.

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

October 16, 2013

/S/ ERIC F. SKRMETTA

DISTRICT I

CHAIRMAN ERIC F. SKRMETTA

/S/ CLYDE C. HOLLOWAY

DISTRICT IV

VICE CHAIRMAN CLYDE C. HOLLOWAY

/S/ FOSTER L. CAMPBELL

DISTRICT V

COMMISSIONER FOSTER L. CAMPBELL

/S/ LAMBERT C. BOISSIERE

DISTRICT III

COMMISSIONER LAMBERT C. BOISSIERE, III

/S/ SCOTT A. ANGELLE

DISTRICT II

COMMISSIONER SCOTT A. ANGELLE


EVE KAHAO GONZALEZ
SECRETARY