

LOUISIANA PUBLIC SERVICE COMMISSION

ORDER NUMBER T-35864

SERVICE INTERNATIONAL OF SWLA, LLC,
EX PARTE

Docket No. T-35864, In re: Application for a Common Carrier Certificate of non-hazardous oilfield waste, non-hazardous industrial solid waste and hazardous waste for disposal, statewide.

(Decided April 15, 2021)

ORDER

Overview

Service International of SWLA, LLC (“Service International,” “Company,” or “Applicant”) seeks from the Louisiana Public Service Commission (“LPSC” or “Commission”) a Common Carrier Certificate to allow for the transportation of non-hazardous oilfield waste, non-hazardous industrial solid waste, and hazardous waste for disposal, statewide without restrictions. Service International’s office is in Iowa, Louisiana, and the Company currently possesses a Commission certificate authorizing it to transport saltwater.

Background

On January 29, 2021, Service International filed an application (“Application”) seeking authorization from the Commission to operate as a common carrier of non-hazardous oilfield waste, non-hazardous industrial solid waste, and hazardous waste for disposal, statewide. Notice of the Application was published in the Commission’s Official Bulletin on February 5, 2021. No interventions were filed during the intervention period or at any point thereafter.

At the initial status conference on March 9, 2021, representatives of the Applicant and the Commission Staff agreed to a procedural schedule with a hearing on April 13, 2021, during which the Applicant would have the burden of proving fitness under the Commission’s General Order dated January 23, 2018.¹

The Applicant filed its Pre-Hearing Statement on April 6, 2021. The Commission Staff filed its Pre-Hearing Statement on April 1, 2021, advising that it supports Service International’s application. Due to the support of the Commission Staff and the lack of any intervenors, the Application is considered unopposed.

¹ See, GENERAL ORDER (Jan. 23, 2018), Docket No. R-34054, *In re: Rulemaking to examine the Commission’s Rules of Practice and Procedure related to a motor carrier of waste proving public convenience and necessity when applying for a common carrier certificate or contract carrier permit, as well as possible adoption of rules and regulations specific to applications for common carrier certificates or contract carrier permits as it relates to hauling waste* (repealing and reenacting Rule 33 and Rule 34 of the Rules of Practice and Procedure of the Louisiana Public Service Commission and superseding General Orders dated May 30, 2012 (R-30297) and October 18, 2017 (R-34054)).

Jurisdiction and Applicable Law

The Commission derives its jurisdiction over common carriers and public utilities from the Louisiana Constitution of 1974. Article IV, Section 21(B) of the Constitution provides, in pertinent part, that:

[t]he [C]ommission 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.

In addition, La. R.S. 45:163 provides that “[t]he [C]ommission has the power and authority necessary to supervise, govern, regulate, and control motor carriers...which transport household goods, passengers, or waste intrastate and to fix reasonable and just rates, fares, tolls, or charges for the commodities furnished or services rendered by such motor carriers.” La. R.S. 45:164 states that “[n]o motor carrier of waste shall operate without first having obtained from the [C]ommission a common carrier certificate or contract carrier permit.” La. R.S. 45:164(B) provides that an applicant for a common carrier certificate, contract carrier permit, or expansion of authority granted in an existing certificate must prove fitness by proving all of the following:

- (1) The applicant holds, or is capable of acquiring, an insurance policy that complies with [C]ommission rules.
- (2) The applicant has the financial ability to provide the transportation of waste for disposal in a safe and efficient manner.
- (3) The applicant holds, or is capable of acquiring all the necessary authorizations required by any and all regulatory authorities for the transportation of waste for disposal.
- (4) The applicant holds, or is capable or [sic] acquiring for use, equipment and man power to provide transportation services in a safe and efficient manner
- (5) The applicant has in place, or is capable of establishing, a safety program necessary for the safe and efficient transportation of waste for disposal.

The Commission’s General Order dated January 23, 2018 incorporated the above requirements into Rule 33 of the Commission’s Rules of Practice and Procedure, which now reads (in pertinent part) as follows:

- A. An applicant applying for a common carrier certificate, contract carrier permit, or expansion of authority granted in an existing certificate or permit authorizing the transportation of non-hazardous oilfield waste, hazardous waste or non-hazardous industrial solid waste shall prove fitness...in a hearing before an

administrative law judge or hearing officer by proving that the applicant:

1. holds, or is capable of acquiring, an insurance policy providing coverage of two hundred fifty thousand dollars for injury or death per person or five hundred thousand dollars per occurrence, and ten thousand dollars property damage,
2. has the financial ability to provide the transportation of waste for disposal in a safe and efficient manner,
3. holds, or is capable of acquiring, all of the necessary authorizations required by any and all regulatory authorities for the transportation of waste for disposal[,]
4. holds, or is capable of acquiring for use, equipment and man power to provide transportation services in a safe and efficient manner, and
5. has in place, or is capable of establishing, a safety program necessary for the safe and efficient transportation of waste for disposal.

...

- D. The provisions of this rule are applicable to all applications for common carrier certificates and contract carrier permits of waste and all applications for expansion of existing waste authority, including those applications which are presently pending before the Commission but have not yet gone to hearing on the merits.
- E. All restrictions on existing certificates or permits are valid until expansion of authority is applied for and a new certificate or permit is granted. However, any restrictive language in any existing common carrier certificate or any contract carrier permit of waste that prevents the carrier from applying for expanded authority for any period of time is null and void...
- F. Certificates or permits issued after the adoption of this rule shall not contain restrictions.

The Hearing

A hearing on the Application was convened on April 13, 2021. At the hearing, appearances were made by Service International and the Commission Staff. At the time of the hearing, the Application was unopposed.

The Applicant's Request for Authority

The Applicant currently holds a Commission certificate authorizing it to transport saltwater. Service International does not currently hold authority from the Commission for transportation of non-hazardous oilfield waste, non-hazardous industrial solid waste, or hazardous waste for disposal. The Company now seeks a Common Carrier Certificate authorizing it to transport those kinds of waste statewide.

Testimony and Evidence Presented by the Applicant

In support of its Application, Service International presented the testimony of Shalon Latour.

Testimony of Shalon Latour

Mr. Latour is the sole owner and CEO of Service International. According to Mr. Latour, Service International hauls wastewater for Waste Management from Louisiana to Texas, and does not haul any Commission-regulated waste. Service International has a laydown yard in Sulphur, Louisiana and its business address is in Iowa, Louisiana. Mr. Latour testified that he started in transportation around 2003 as a subcontractor, performing work as a disposal operator and dispatcher before creating Service International in 2012.

According to Mr. Latour, Service International has an insurance policy which meets the Commission's requirements, and covers the Company's drivers and equipment. Mr. Latour testified that he funded Service International with his personal funds, and that he will contribute more money to the Company if needed. Mr. Latour confirmed that the Company has never filed for bankruptcy or been subject to a federal or state tax audit.

Mr. Latour testified that Service International is in good standing with the Louisiana Secretary of State, and he believes that the Company has, or is capable of acquiring, all necessary authorizations required by any and all regulatory authorities for the transportation of waste. Further, Service International intends to comply with all of the Commission's rules and regulations, including the filing of annual reports and inspection and supervision fee reports with the Louisiana Department of Revenue.

Mr. Latour identified Service International's equipment list, which lists ten (10) trucks; Mr. Latour testified that all of these trucks will be used for Commission-regulated work. According to Mr. Latour, Service International has about ten (10) employees, seven (7) of whom are drivers who all work from Louisiana. Mr. Latour testified that Service International does not plan to use owner-operators, and he anticipates that the Company will hire more employees if the Commission grants its request for authority. Service International has one mechanic on staff, and uses outside mechanics if necessary.

Mr. Latour explained Service International's safety and hiring policies, and provided an overview of the Company's safety manual. Mr. Latour testified that he conducts Service International's safety meetings, and that the Company holds quarterly and job-specific safety

meetings. According to Mr. Latour, Service International conducts random, pre-employment, post-accident, and on suspicion testing for drugs and alcohol. Service International prohibits use of cell phones while operating the vehicle.

In support of the testimony of Mr. Latour, the Applicant submitted the following exhibits into evidence at the hearing:

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| Exhibit A | A copy of the public version of Service International of SWLA, LLC's Common Carrier of Waste by Motor Vehicle Application, as received by the Commission on January 29, 2021, with attachments; |
| Exhibit B | A copy of a personal financial statement for Shalon Latour, as of April 5, 2021 (admitted confidentially under seal); |
| Exhibit C | Information from the Louisiana Secretary of State Commercial Division, identifying Active Status and Registered Agent information for Service International of SWLA, LLC and Status; |
| Exhibit D | A copy of Service International of SWLA, LLC's Safety Manual (submitted electronically on USB flash drive); |
| Exhibit E | A copy of a U.S. Department of Transportation Federal Motor Carrier Safety Administration Mobile Phone Restrictions Fact Sheet, "New Mobile Phone Restriction Rule for Commercial Motor Vehicle Drivers"; |
| Exhibit F, <i>in globo</i> | Copies of the following documents: <ul style="list-style-type: none">• A printout of a U.S. Department of Transportation Federal Motor Carrier Safety Administration Company Snapshot for Service International of SWLA, LLC, USDOT Number: 2375380; and• A printout of a Texas Commission on Environmental Quality Central Registry Query, dated December 10, 2020, showing Regulated Entity Information for Service International of SWLA, LLC, RN Number: RN109185637; and |
| Exhibit G | A copy of Service International of SWLA, LLC's equipment list as of December 8, 2020. |

Commission Staff's Position

The Commission Staff expressed its support for the Application, both in its Pre-Hearing Statement and verbally at the April 13, 2021 hearing. The Commission Staff confirmed, both in its Pre-Hearing Statement and verbally at the hearing, that there are no complaints, citations, or violations pending against Service International and that Service International has no current annual report due or outstanding ISF reports or fees.

Conclusion

Having considered the application of Service International of SWLA, LLC, the testimony and evidence presented in support of the Application, the directives of the Commission’s General Order dated January 23, 2018, Rule 33 of the Commission’s Rules of Practice and Procedure, and other applicable law, we find that Service International of SWLA, LLC has established its fitness to operate, and that a common carrier certificate should be issued to the Applicant.

Accordingly, **IT IS HEREBY ORDERED** that Service International of SWLA, LLC be issued a Common Carrier Certificate, authorizing operations in Louisiana intrastate commerce as a common carrier of non-hazardous oilfield waste, non-hazardous industrial solid waste, and hazardous waste over irregular routes, statewide.

IT IS FURTHER ORDERED that the issuance of the common carrier certificate is conditioned upon the full compliance Service International of SWLA, LLC with the laws of the State of Louisiana and the rules and regulations of the Louisiana Public Service Commission.

BY ORDER OF THE COMMISSION
BATON ROUGE, LOUISIANA
April 15, 2021



A handwritten signature in blue ink, appearing to read "Brandon M. Frey".

BRANDON M. FREY
SECRETARY

/S/ CRAIG GREENE

DISTRICT II
CHAIRMAN CRAIG GREENE

/S/ ERIC F. SKRMETTA

DISTRICT I
VICE CHAIRMAN ERIC F. SKRMETTA

/S/ FOSTER L. CAMPBELL

DISTRICT V
COMMISSIONER FOSTER L. CAMPBELL

/S/ LAMBERT C. BOISSIERE, III

DISTRICT III
COMMISSIONER LAMBERT C. BOISSIERE, III

/S/ MIKE FRANCIS

DISTRICT IV
COMMISSIONER MIKE FRANCIS