

LOUISIANA PUBLIC SERVICE COMMISSION

ORDER NO. T-32959

LOUISIANA PUBLIC SERVICE COMMISSION V. INTRACOASTAL LIQUID MUD,
INC.
(LAFAYETTE, LOUISIANA)

Docket Number T-32959 – Alleged violation of Louisiana Revised Statute Title 45:166 and LPSC Order 9901 as amended, by authorizing vehicles not affiliated with Intracoastal Liquid Mud, Inc. to utilize Common Carrier Certificate 5561-D on 17 counts; allegedly occurring on or about February 01, 2013 through February 28, 2013.

(Decided at the December 16, 2013 Business and Executive Meeting)

Background

On September 12, 2013, the Louisiana Public Service Commission (“Commission”) issued a citation to Intracoastal Liquid Mud, Inc. (“Intracoastal” or the “Carrier”), directing the Carrier to show cause at a hearing to be held on November 7, 2013, why it should not be found guilty of violating Louisiana Revised Statutes Title 45:166 and LPSC Order 9901, by authorizing vehicles not affiliated with Intracoastal to utilize the Carrier’s LPSC number, thus circumventing the Commission’s regulation of the transportation of waste. Notice of this proceeding was published in the Commission’s Official Bulletin dated September 13, 2013.

In response to a complaint filed with the Commission, the LPSC Transportation Division initiated an investigation in order to determine whether Intracoastal was authorizing vehicles not affiliated with the Carrier to use their LPSC number. Doing so would circumvent LPSC regulation over the transportation of waste. At the disposal site, these vehicles displayed an LPSC number, therefore further investigation by Staff was necessary. Initially, UIC-28 manifests from the U.S. Liquids facility in Mermentau, Louisiana were provided by the Office of Conservation. In addition to receipt of these documents, Staff requested information from the Louisiana Department of Motor Vehicles in order to cross-reference license plate numbers with trucks owned/operated by Intracoastal. Upon review of the documentation Staff discovered seventeen (17) violations occurring between February 1 and February 28, 2013. The Carrier was contacted by Staff as part of this investigation and documentation was provided to Staff and a meeting to discuss the outstanding issues was held between counsel for Intracoastal and Staff.

As a result of the meeting, Staff and Intracoastal agreed to a fine of \$1,000.00 per count with \$500.00 per count suspended for the 17 violations (consistent with the fine for invalid leases reached in Docket T-32955). This was the first set of violations for the Carrier.

By stipulation and agreement signed November 8, 2013, the Carrier agreed to plead guilty and admit that it had violated Louisiana Revised Statutes 45:166 and LPSC Order 9901 on 17 counts. Based upon the foregoing, the Carrier waived its right to a hearing and agreed to pay a fine of \$17,000.00 with \$8,500.00 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 \$8,525.00 to be paid to the Commission. The carrier has complied with the terms of the agreement and remitted payment to the Commission.

Staff Recommendation

Commission Staff recommended that the Commission exercise its original and primary jurisdiction herein under Rule 57 and approve the agreement between Staff and the Carrier of November 8, 2013, wherein the Carrier agreed to plead guilty and admit that it had violated Louisiana Revised Statutes 45:166 and LPSC Order 9901 on 17 counts. Further, Staff recommended that the Commission authorize and approve the fine of \$17,000 with \$8,500 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 \$8,525.00 to be paid to the Commission.

Commission Action

This matter was considered by the Commission at the Business and Executive Session held on December 16, 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 Skrmetta, seconded by Commissioner Holloway, and unanimously adopted, the Commission voted to approve the agreement between Staff and the Carrier of November 8, 2013, wherein the Carrier agreed to plead guilty and admit that it had violated Louisiana Revised Statutes 45:166 and LPSC Order 9901 on 17 counts. Further, Staff recommends that the Commission authorize and approve the fine of \$17,000 with \$8,500 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 \$8,525.00 to be paid to the Commission.

IT IS THEREFORE ORDERED:

That the Guilty Plea entered into by Intracoastal Liquid Mud to the allegations that it violated Louisiana Revised Statutes Title 45:166 and LPSC Order 9901, on seventeen (17) counts, is hereby accepted. Accordingly, all conditions of the stipulated agreement dated November 8, 2013, are hereby given effect.

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

January 14, 2014

/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



**EVE KAHAO GONZALEZ
SECRETARY**

/S/ SCOTT A. ANGELLE

DISTRICT II

COMMISSIONER SCOTT A. ANGELLE