

# LOUISIANA PUBLIC SERVICE COMMISSION

ORDER NUMBER T-35894

MFT TRANSPORT, INC.,  
EX PARTE

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*Docket No. T-35894, In re: Application for a Common Carrier Certificate of non-hazardous oilfield waste and non-hazardous industrial solid waste for disposal, statewide.*

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(Decided May 27, 2021)

## ORDER

### *Overview*

MFT Transport, Inc. (“MFT Transport,” “Company,” or “Applicant”) seeks from the Louisiana Public Service Commission (“LPSC” or “Commission”) a common carrier certificate authorizing MFT Transport to transport non-hazardous oilfield waste and non-hazardous industrial solid waste for disposal, statewide. MFT Transport is headquartered in Natchitoches, Louisiana, and currently has no authorizations from the Commission.

### *Background*

On March 2, 2021, MFT Transport filed an application (“Application”) seeking authorization from the Commission to operate as a common carrier of non-hazardous oilfield waste and non-hazardous industrial solid waste for disposal, statewide. Notice of the Application was published in the Commission’s Official Bulletin on March 5, 2021. No interventions were filed during the intervention period or at any point thereafter.

At the initial status conference on April 7, 2021, representatives of the Applicant and the Commission Staff agreed to a procedural schedule with a hearing on May 26, 2021, during which the Applicant would have the burden of proving fitness under the Commission’s General Order dated January 23, 2018.

The Applicant filed its Pre-Hearing Statement on May 19, 2021. The Commission Staff filed its Pre-Hearing Statement on May 6, 2021, advising that it supports MFT Transport’s application. Due to the support of the Commission Staff and the lack of any intervenors, the Application is considered unopposed.

### *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 May 26, 2021. At the hearing, appearances were made by MFT Transport and the Commission Staff. At the time of the hearing, the Application was unopposed.

### ***The Applicant's Request for Authority***

MFT Transport does not currently possess a common carrier certificate or permit issued by the Commission. The Company is seeking authority to transport non-hazardous oilfield waste and non-hazardous industrial solid waste for disposal, statewide.

### ***Testimony and Evidence Presented by the Applicant***

In support of its Application, MFT Transport presented the testimony of Mr. Waylon White. Mr. White is the CEO and 50% owner, along with Cole Lucky, of MFT Transport and its parent company, MFT Resources. Mr. White manages the Company's business on a day-to-day basis. According to Mr. White, MFT Transport does not presently conduct any business, but once it receives Commission authority, it will haul drilling mud from oil wells for disposal, a service that MFT Resources, an oil and gas service company, was previously outsourcing to third party companies.

Mr. White confirmed that MFT Transport holds a current insurance policy that meets the requirements of the Commission. Mr. White believes that the MFT Transport has a sound financial basis with which to operate in the state of Louisiana, and testified that the owners are able to infuse the Company with additional cash as necessary. MFT Transport has never filed for bankruptcy, and has never been subject to state or federal tax audits. Mr. White testified that MFT Transport is qualified to do business by the Louisiana Secretary of State, and the Company is capable of

acquiring all approvals and authorizations necessary to operate.

MFT Transport will use 5 drivers employed by MFT Resources, and will use 4 diesel trucks and 4 bottle tankers for its Commission-regulated business. Mr. White testified that MFT Transport presently has no plans to utilize owner-operator leases. According to Mr. White, MFT Transport has a shop foreman who is responsible for performing maintenance on the Company's equipment, and will use third parties for more extensive repairs.

Mr. White provided an overview of MFT Transport's hiring and training processes, employee handbook, and safety policies. According to Mr. White, MFT Transport is in the process of adopting a safety policy specific to the transportation of industrial solid waste and non-hazardous waste. MFT Transport conducts JSA meetings before every job, and performs pre-employment, post-incident, post-suspicion, and random tests for drugs and alcohol. MFT Transport requires that all of its employees have cell phones, and that these cell phones must be on silent or airplane mode while a driver is in transit.

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

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| Exhibit A | A copy of the public version of MFT Transport, Inc.'s Waste by Motor Vehicle Application, as filed with the Commission on March 2, 2021;      |
| Exhibit B | A copy of the Management Report for MFT Transport, Inc. for the period ended December 31, 2020 ( <b>admitted confidentially under seal</b> ); |
| Exhibit C | A copy of Commission Staff's First and Second Sets of Data Requests to MFT Transport, Inc., and MFT Transport, Inc.'s Responses;              |
| Exhibit D | A copy of an <i>ACORD</i> Certificate of Liability Insurance, listing MFT Transport, Inc. as the insured, dated May 4, 2021;                  |
| Exhibit E | A copy of MFT Transport, Inc.'s Employee Handbook, Code of Ethics and Business Conduct; and   |
| Exhibit F | A copy of DOT Guidance on Compliance with Drug and Alcohol Testing Regulations, dated March 23, 2020.   |

#### *Commission Staff's Position*

The Commission Staff expressed its support for the Application, both in its Pre-Hearing Statement and verbally at the May 26, 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 MFT Transport and that MFT Transport has no current annual report due or outstanding ISF reports or fees.

**Conclusion**

Having considered the application of MFT Transport, Inc. 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 MFT Transport Inc. has established its fitness to operate, and that a common carrier certificate should be issued to the Applicant.

Accordingly, **IT IS HEREBY ORDERED** that MFT Transport, Inc. be issued a common carrier certificate, authorizing operations in Louisiana intrastate commerce as a common carrier of non-hazardous oilfield waste and non-hazardous industrial solid waste for disposal, statewide.

**IT IS FURTHER ORDERED** that the issuance of the common carrier certificate is conditioned upon the full compliance MFT Transport, Inc. 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**  
May 28, 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**