

LOUISIANA PUBLIC SERVICE COMMISSION

ORDER NO. T-35175-A

LOUISIANA PUBLIC SERVICE COMMISSION

VS.

ACES TOWING ENTERPRISES, LLC (CHALMETTE, LOUISIANA)

Docket No. T-35175, In Re: Alleged violation of La. R.S. 45: 171 and 180.1, by operating Intrastate without LPSC authority on three hundred forty-two (342) counts, and General Order dated August 05, 2016 for exceeding state prescribed rates on seventeen (17) counts, occurring on or about October 07, 2016 through April 29, 2019.

(Decided at the July 15, 2020 Business and Executive Session)

I. Background

On May 8, 2019, Staff issued a citation to Aces Towing Enterprises, LLC (“Aces Towing”) for violating La. R.S. 45: 171 and 180.1, by operating Intrastate without LPSC authority on 342 counts, and General Order dated August 05, 2016 for exceeding state prescribed rates on 17 counts, occurring on or about October 07, 2016 through April 29, 2019.

In response to the citation, Mr. Amado Maschmeyer, the owner of Aces Towing, signed an Affidavit and Stipulation admitting to the violation and agreed to a fine of \$100.00 per count, with \$50.00 of the fine per count suspended conditioned on several compliance factors, including the payment of fines totaling \$17,100.00 in twelve monthly payments beginning on May 31, 2019 and concluding on April 30, 2020.

Aces Towing also agreed that failure to timely remit these monthly payments would result in the \$50.00 suspended fine per count, for a total suspended fine of \$17,100.00, becoming due immediately.

The Affidavit and Stipulation was considered and approved by the Commission at its June 19, 2019 Business and Executive Session. This Commission vote was subsequently memorialized in Order No. T-35175.

During the public health emergency related to COVID-19, Aces Towing failed to timely remit to the Commission the two fine installment payments due on March 31, 2020 and April 30, 2020 respectively. As a result, the outstanding suspended fine of \$17,100.00 became due immediately. However, due to the extraordinary circumstances related to the ongoing public health emergency, Commissioner Skrmetta requested that the Commission reconsider Order No. T-35175.

II. Jurisdiction

The Commission exercises jurisdiction in this proceeding pursuant to Article IV, Section 21 of the Louisiana Constitution of 1974, which provides in pertinent part:

The commission 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 perform other duties as provided by law.

In addition, the Louisiana Legislature, in La. R.S. 45:163, delegates certain authority to the Commission over motor carriers operating intrastate in Louisiana. More specifically, the Louisiana Legislature has declared, in La. R.S. 45:180.1, that the “use and operation of wreckers and towing services should be the subject of regulation by the Louisiana Public Service Commission,” and that the Commission has “the power and authority necessary to supervise, govern, regulate, and control the business of the operation and use of wreckers and towing services...[and] to fix reasonable and just rates, fares, tolls, charges for storage services[.]”

Pursuant to these delegations of authority, the Commission issued a General Order dated August 5, 2016. Attachment A to the Towing Order establishes a schedule of the rates and terms for non-consensual towing and recovery services applicable to Commission jurisdictional carriers.

III. Commission Action

On motion of Commissioner Skrmetta, seconded by Vice Chairman Greene, and unanimously adopted, the Commission voted to reconsider Order No. T-35175.

On motion of Commissioner Skrmetta, seconded by Vice Chairman Greene, the Commission voted to modify Order No. T-35175 to extend the deadline for the payment of both the March 31, 2020 and April 30, 2020 fine installment payments to July 15, 2020.

IT IS THEREFORE ORDERED THAT:

1. Order No. T-35175 is modified to extend the deadline for the payment of both the March 31, 2020 and April 30, 2020 fine installment payments to July 15, 2020; and,
2. This Order is effective immediately.

BY ORDER OF THE COMMISSION
BATON ROUGE, LOUISIANA ✓
August 12, 2020



DISTRICT IV
CHAIRMAN MIKE FRANCIS



DISTRICT II
VICE CHAIRMAN CRAIG GREENE



DISTRICT V
COMMISSIONER FOSTER L. CAMPBELL



DISTRICT III
COMMISSIONER LAMBERT C. BOISSIERE, III



DISTRICT I
COMMISSIONER ERIC F. SKRMETTA



BRANDON M. FREY
SECRETARY