

**TRANSCRIPT OF THE LOUISIANA PUBLIC SERVICE COMMISSION
TRANSPORTATION CITATION HEARINGS HELD ON AUGUST 1, 2024, IN BATON
ROUGE, LOUISIANA BEFORE ADMINISTRATIVE LAW JUDGE MELISSA FREY.**

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1 **TRANSCRIPT OF THE LOUISIANA PUBLIC SERVICE COMMISSION**
2 **TRANSPORTATION CITATION HEARINGS HELD ON AUGUST 1, 2024,**
3 **IN BATON ROUGE, LOUISIANA BEFORE ADMINISTRATIVE LAW**
4 **JUDGE MELISSA FREY.**

5 **ADMINISTRATIVE LAW JUDGE MELISSA FREY:** Good morning. Today
6 is Thursday, August 1, 2024. I'm Administrative Law Judge Melissa Frey. We are
7 here this morning for transportation citation hearings. There are five matters on the
8 docket this morning.

9

10 **DOCKET NO. T-37171**

11 **JUDGE FREY:** The first matter I am going to call is Docket Number T-37171 -
12 Louisiana Public Service Commission versus Billy J. Cozad dba B-T Towing, LLC.
13 In re: Cancellation of Common Carrier Certificate Number 6836-A for failure to
14 maintain the required insurance coverage on file with the Commission pursuant to
15 Commission's General Order dated October 13, 2023. Would the parties present
16 please make their appearances for the record?

17 **MR. PAUL RACHAL:** Paul Rachal on behalf of Staff.

18 **JUDGE FREY:** Let the record reflect that there is no one present in the courtroom
19 this morning on behalf of Billy J. Cozad dba B-T Towing, LLC. Staff, how do you
20 plan to move forward this morning?

21 **MR. RACHAL:** Your Honor, we have a verbal motion to continue to September
22 5th. Your Honor, a Form E was received for this carrier; however, it appears the
23 name on the company certificate needs to be changed. Therefore, the company has

1 submitted a name change application that will be published in the August 2, 2024
2 Bulletin. Therefore, we request to continue this hearing until September 5, 2024,
3 to ensure that the application has time to be published and approved.

4 **JUDGE FREY:** All right. So a ruling on the motion to continue and a notice of
5 rescheduling this matter until the hearing scheduled for September 5 will be issued
6 accordingly.

7

8 **DOCKET NO. T-37172**

9 **JUDGE FREY:** The next matter on the docket this morning is Docket Number T-
10 37172 - Louisiana Public Service Commission versus Cliff's Towing and
11 Recovery, LLC. In re: Cancellation of Common Carrier Certificate Number 6386-
12 A for failure to maintain the required insurance coverage on file with the
13 Commission pursuant to Commission's General Order dated October 13, 2023.
14 Would the parties present please make their appearances for the record?

15 **MR. RACHAL:** Paul Rachal on behalf of Staff.

16 **JUDGE FREY:** Let the record reflect that there is no one present in the courtroom
17 this morning on behalf of Cliffs Towing and Recovery, LLC. How does the Staff
18 plan to move forward this morning?

19 **MR. RACHAL:** Your Honor, a verbal motion to dismiss with prejudice.

20 **JUDGE FREY:** Have all matters been resolved?

21 **MR. RACHAL:** Yes, Your Honor.

22 **JUDGE FREY:** An order of dismissal dismissing this matter with prejudice will
23 be issued accordingly.

1

2 **DOCKET NO. T-37231**

3 **JUDGE FREY:** The next matter on the docket this morning is Docket Number T-
4 37231 - Louisiana Public Service Commission versus Mansfield Collision Towing
5 Center, LLC. In re: Cancellation of Common Carrier Certificate Number 8317 for
6 failure to maintain the required insurance coverage on file with the Commission
7 pursuant to Commission's General Order dated October 13, 2023. Would the
8 parties present please make their appearances for the record?

9 **MR. RACHAL:** Paul Rachal on behalf of Staff.

10 **JUDGE FREY:** Let the record reflect that there is no one present on behalf of
11 Mansfield Collision Center Towing, LLC. And how does the Staff plan to move
12 forward?

13 **MR. RACHAL:** Your Honor, Staff requests a verbal motion to dismiss with
14 prejudice. All issues have been resolved.

15 **JUDGE FREY:** Thank you. An order of dismissal dismissing this matter with
16 prejudice will be issued accordingly.

17

18 **DOCKET NO. T-37232**

19 **JUDGE FREY:** The next matter we have on the docket this morning is Docket
20 Number T-37232 - Louisiana Public Service Commission versus Louisiana Oilfield
21 Logistics, LLC. In re: Cancellation of Common Carrier Certificate Numbers 8193
22 and 8194 for failure to maintain the required insurance coverage on file with the

1 Commission pursuant to Commission's General Order dated October 13, 2023.

2 Would the parties present please make their appearances for the record?

3 **MR. RACHAL:** Paul Rachal on behalf of Staff.

4 **JUDGE FREY:** Let the record reflect that there is no one present in the courtroom
5 this morning on behalf of Louisiana Oilfield Logistics, LLC. Staff, how do you
6 plan to move forward this morning?

7 **MR. RACHAL:** We do plan to move forward, Your Honor.

8 **JUDGE FREY:** You may proceed, Mr. Rachal.

9 **MR. RACHAL:** Thank you, Your Honor. Your Honor, Commission Staff is
10 prepared to prove through both documentary and testimonial evidence that the
11 carrier cited in this docket, Louisiana Oilfield Logistics, LLC, violated the
12 Commission rules and regulations by failing to maintain the required insurance
13 coverage on file with the Commission as required by Commission's General Order
14 dated October 13, 2023. Your Honor, as a result of that violation, at the conclusion
15 of this hearing, the Commission is going to request that the carrier be found guilty
16 and for the cancellation of the carrier Common Carrier Certificate Numbers 8193
17 and 8194. Your Honor, at this time we'd like to call our first and only witness,
18 Transportation Enforcement Agent, Ms. Maegan Hood.

19 **Maegan Hood came forth as a witness; and, after having been duly sworn,**
20 **testified as follows:**

21 **DIRECT EXAMINATION BY MR. PAUL RACHAL**

22 **MR. RACHAL:** Good morning, Ms. Hood.

23 **MS. MAEGAN HOOD:** Morning.

1 **MR. RACHAL:** Can you please state your name and business address for the
2 record?

3 **MS. HOOD:** Maegan Hood, 602 North 5th Street, Baton Rouge, Louisiana 70802.

4 **MR. RACHAL:** And by whom are you employed?

5 **MS. HOOD:** Louisiana Public Service Commission's Transportation Division as
6 an Enforcement Agent.

7 **MR. RACHAL:** And could you describe some of your duties as a Transportation
8 Enforcement Agent?

9 **MS. HOOD:** I oversee and receive insurance filings for motor carriers.

10 **MR. RACHAL:** And what documents are submitted to evidence insurance?

11 **MS. HOOD:** Form Es for auto liability.

12 **MR. RACHAL:** And what Commission orders requires carriers to file a Form E
13 as proof of insurance?

14 **MS. HOOD:** The Commission's General Order dated October 13, 2023.

15 **MR. RACHAL:** And what statute gives Commission authority to cancel a motor
16 carrier's authority?

17 **MS. HOOD:** Title 45, Section 166.

18 **MR. RACHAL:** And as part of the job duties that you just discussed, are you the
19 person who receives any correspondence or filings associated with a regulated
20 carrier's insurance?

21 **MS. HOOD:** Yes.

22 **MR. RACHAL:** Are you familiar with the carrier cited in this docket, Louisiana
23 Oilfield Logistics, LLC?

1 **MS. HOOD:** Yes.

2 **MR. RACHAL:** And is this company a registered carrier with the LPSC?

3 **MS. HOOD:** Yes.

4 **MR. RACHAL:** And what type of carrier is this company?

5 **MS. HOOD:** It's a saltwater and waste carrier.

6 **MR. RACHAL:** And has the Commission's Transportation Division received any

7 correspondence associated with this carrier's commercial automobile insurance

8 policy?

9 **MS. HOOD:** Yes. We received a Form K.

10 **MR. RACHAL:** You have in front of you a document marked as Staff Exhibit 1.

11 Can you identify this document?

12 **MS. HOOD:** Yeah, this is the Form K for the carrier.

13 **MR. RACHAL:** And to whom was this document sent?

14 **MS. HOOD:** The Transportation Division.

15 **MR. RACHAL:** And who sent this document to the Transportation Division of

16 the Commission?

17 **MS. HOOD:** Progressive County Mutual Insurance Company.

18 **MR. RACHAL:** And what date did the Commission receive this document?

19 **MS. HOOD:** February 19, 2024.

20 **MR. RACHAL:** And do you know what the acronyms BI and PD at the top right

21 of that document mean?

22 **MS. HOOD:** Bodily injury and property damage.

23 **MR. RACHAL:** And what does this document indicate?

1 **MS. HOOD:** It indicates that the carrier's bodily injury and property damage auto
2 liability policy would be cancelled.

3 **MR. RACHAL:** And what is the insurance policy cancellation date provided in
4 that document?

5 **MS. HOOD:** March 25, 2024.

6 **MR. RACHAL:** And is this document electronically signed by an authorized
7 company representative?

8 **MS. HOOD:** Yes.

9 **MR. RACHAL:** Your Honor, Staff moves to offer, file, and introduce into
10 evidence the cancellation notice as Staff Exhibit 1, a Form K.

11 **JUDGE FREY:** Staff Exhibit 1 is admitted.

12 **MR. RACHAL:** Thank you, Your Honor. And what did the Transportation
13 Division do after receiving these documents?

14 **MS. HOOD:** We sent a notice of cancellation.

15 **MR. RACHAL:** You have a document marked before you as Staff Exhibit 2.
16 Could you identify this document?

17 **MS. HOOD:** This is the notice of cancellation letter.

18 **MR. RACHAL:** And to whom was this document sent?

19 **MS. HOOD:** Louisiana Oilfield.

20 **MR. RACHAL:** And what date did the Commission send this document?

21 **MS. HOOD:** April 5, 2024.

22 **MR. RACHAL:** And what does this document indicate?

1 **MS. HOOD:** It notifies Louisiana Oilfield to have their insurance underwriter
2 promptly file a correct -- a current correct Form E within 30 days of the letter or
3 the cancellation process will begin.

4 **MR. RACHAL:** And did this provide instructions to the carrier on how to remedy
5 the issue?

6 **MS. HOOD:** Yes. The letter suggests the carrier contact its insurance company
7 and have them file a Form E.

8 **MR. RACHAL:** And did the letter provide any consequences if the carrier failed
9 to provide proof of insurance?

10 **MS. HOOD:** Yes. It warned the carrier that proceeding may be instituted against
11 them for cancellation of their certificate.

12 **MR. RACHAL:** And is the carrier address on the document sent the same as the
13 address on file with this particular carrier?

14 **MS. HOOD:** Yes.

15 **MR. RACHAL:** Had Staff received a change of address notice from this carrier
16 prior to the sending of this letter?

17 **MS. HOOD:** No.

18 **MR. RACHAL:** Did you prepare this notice to update Form E letter for mailing
19 and mail it to carrier by means of U.S. mail?

20 **MS. HOOD:** I did.

21 **MR. RACHAL:** And whose signature is on the notice of cancellation letter?

22 **MS. HOOD:** Ms. Tammy Burl.

23 **MR. RACHAL:** And what is her position with the LPSC?

1 **MS. HOOD:** She's the LPSC Transportation Administrator.

2 **MR. RACHAL:** And is the signature automatically generated by the
3 Commission's database?

4 **MS. HOOD:** Yes.

5 **MR. RACHAL:** Your Honor, Staff moves to offer, file, and introduce into
6 evidence as Staff Exhibit 2, the notice of cancellation letter.

7 **JUDGE FREY:** Staff Exhibit 2 is admitted.

8 **MR. RACHAL:** Thank you, Your Honor. After the carrier was notified about the
9 notice of cancellation being sent, did the carrier submit a Form E for proof of
10 insurance?

11 **MS. HOOD:** No.

12 **MR. RACHAL:** And what did the Transportation Division do next?

13 **MS. HOOD:** I mailed them a tentative hearing letter.

14 **MR. RACHAL:** You have a document before you marked as Staff Exhibit 3, in
15 globo. Can you identify this document?

16 **MS. HOOD:** Yeah. It's the tentative hearing letter sent to Louisiana Oilfield.

17 **MR. RACHAL:** And what does this document indicate?

18 **MS. HOOD:** It notifies the carrier that the tentative hearing date is Thursday,
19 August 1, 2024. And was set for failure to maintain insurance on file for the
20 Commission, and that a citation will be issued if Louisiana Oilfield did not send
21 proof -- submit proof by June 5, 2024.

22 **MR. RACHAL:** And did you personally prepare this letter?

23 **MS. HOOD:** I did.

1 **MR. RACHAL:** And is the address on the document the same address that is on
2 one of the letters that was sent?
3 **MS. HOOD:** Yes.
4 **MR. RACHAL:** And did you prepare this tentative hearing letter for mailing and
5 mail it to the carrier by means of U.S. mail?
6 **MS. HOOD:** Yes.
7 **MR. RACHAL:** And when was it put in the mail?
8 **MS. HOOD:** May 22, 2024.
9 **MR. RACHAL:** And whose signature is on the tentative hearing letter?
10 **MS. HOOD:** Mine.
11 **MR. RACHAL:** Was the tentative hearing letter also emailed to the carrier?
12 **MS. HOOD:** Yes.
13 **MR. RACHAL:** Did you send this letter to the email address on the tentative
14 hearing letter?
15 **MS. HOOD:** I did.
16 **MR. RACHAL:** And were there any documents attached to this letter?
17 **MS. HOOD:** Yes. The notice of cancellation letter.
18 **MR. RACHAL:** Your Honor, Staff moves to offer, file, and introduce into
19 evidence as Staff Exhibit 3, in globo, the tentative hearing letter sent to the carrier
20 with the notice of cancellation letter attached.
21 **JUDGE FREY:** Staff Exhibit 3, in globo, is admitted.

1 **MR. RACHAL:** Thank you, Your Honor. Did the U.S. postal service return the
2 tentative hearing letters -- tentative hearing letters submitted into evidence as
3 undeliverable for any reason?

4 **MS. HOOD:** No.

5 **MR. RACHAL:** After the tentative hearing letter was sent to the carrier, did the
6 carrier submit an updated Form E?

7 **MS. HOOD:** No. They did not.

8 **MR. RACHAL:** After receiving no response from the carrier, what action did the
9 Transportation Division take next?

10 **MS. HOOD:** A citation was issued to Louisiana Oilfield.

11 **MR. RACHAL:** You have a document before you marked as Staff Exhibit 4, in
12 globo. Could you identify this document?

13 **MS. HOOD:** This is the citation.

14 **MR. RACHAL:** And to whom was that document sent?

15 **MS. HOOD:** Louisiana Oilfield.

16 **MR. RACHAL:** According to the second page, what date did the Commission
17 send this document?

18 **MS. HOOD:** June 18, 2024.

19 **MR. RACHAL:** And is the carrier address on this document sent the same as the
20 address on file with the Commission?

21 **MS. HOOD:** Yes.

22 **MR. RACHAL:** And whose signature is on the citation?

23 **MS. HOOD:** Ms. Tammy Burl, the Transportation Administrator.

1 **MR. RACHAL:** And were there any documents attached to this citation?

2 **MS. HOOD:** Yes. The tentative hearing letter and the notice of cancellation letter.

3 **MR. RACHAL:** And did the citation provide the carrier notice that a citation fee
4 in the amount of \$25 had been assessed to the carrier's account?

5 **MS. HOOD:** Yes.

6 **MR. RACHAL:** And did the citation also provide the carrier notice that an order
7 may be issued by the Commission, cancelling the carrier's common carrier
8 certificate for failure to maintain the required insurance coverage?

9 **MS. HOOD:** Yes.

10 **MR. RACHAL:** And what was the hearing date, time, and location provided in
11 the citation?

12 **MS. HOOD:** Thursday, August 1, 2024, at 9:30 A.M. Galvez Building, 11th Floor,
13 602 North 5th Street, Baton Rouge, Louisiana 70802.

14 **MR. RACHAL:** And was notice of the citation published and available to the
15 general public in the Commission's Official Bulletin Number 1326, dated June 21,
16 2024?

17 **MS. HOOD:** Yes.

18 **MR. RACHAL:** Your Honor, Staff moves to offer, file, and introduce into
19 evidence the citation with its attachments as Staff Exhibit 4, in globo.

20 **JUDGE FREY:** Staff Exhibit 4, in globo, is admitted.

21 **MR. RACHAL:** Thank you, Your Honor. Once you executed the citation, did you
22 mail the citation to the carrier?

23 **MS. HOOD:** I did.

1 **MR. RACHAL:** Was the citation sent by certified mail with a return receipt
2 request as well as regular mail?
3 **MS. HOOD:** Yes.
4 **MR. RACHAL:** Was the regular mail returned for any reason?
5 **MS. HOOD:** No.
6 **MR. RACHAL:** Was the citation claimed?
7 **MS. HOOD:** Yes.
8 **MR. RACHAL:** You have in front of you a document marked as Staff Exhibit 5.
9 Do you recognize this document?
10 **MS. HOOD:** Yes, I do.
11 **MR. RACHAL:** What is this document?
12 **MS. HOOD:** This is the domestic return receipt, or green card, for the citation sent
13 to the carrier by certified mail.
14 **MR. RACHAL:** And what is the carrier's address on that document?
15 **MS. HOOD:** 112 Cambridge Street, Belle Chasse, Louisiana 70037.
16 **MR. RACHAL:** And is this the same address on file with the Commission?
17 **MS. HOOD:** Yes.
18 **MR. RACHAL:** And is there a signature?
19 **MS. HOOD:** There is.
20 **MR. RACHAL:** And what is the docket number at the bottom of the green card?
21 **MS. HOOD:** T-37232.
22 **MR. RACHAL:** And what date did the carrier receive the green card?
23 **MS. HOOD:** June 25, 2024.

1 **MR. RACHAL:** And what did the Commission -- what date did the Commission
2 receive the green card?

3 **MS. HOOD:** June 28, 2024.

4 **MR. RACHAL:** And does the tracking number on this document, ending in 0388,
5 match the last four numbers of the certified mail receipt shown on the citation?

6 **MS. HOOD:** It does.

7 **MR. RACHAL:** Your Honor, Staff moves to offer, file, and introduce into
8 evidence Staff Exhibit 5, the green card. I believe you have the original copy for
9 your inspection.

10 **JUDGE FREY:** I do have the original for my inspection, and in reviewing the
11 original and the copies offered as Staff Exhibit 5 of the front and back of the
12 original, they do match. Staff Exhibit 5 is admitted.

13 **MR. RACHAL:** Thank you, Your Honor. As of today, has a representative of the
14 carrier filed the appropriate documents to close its certificate?

15 **MS. HOOD:** No.

16 **MR. RACHAL:** As of today, has the carrier filed an updated Form E with the
17 Commission?

18 **MS. HOOD:** No.

19 **MR. RACHAL:** Is Staff seeking that the carrier be found guilty of failing to
20 maintain insurance filings and that Common Carrier Certificate Numbers 8193 and
21 8194 be cancelled?

22 **MS. HOOD:** Yes.

1 **MR. RACHAL:** Does Staff also seek that the carrier pay a \$25 citation fee as
2 authorized by the June 7, 2006 General Order?

3 **MS. HOOD:** Yes.

4 **MR. RACHAL:** No further questions, Your Honor.

5 **JUDGE FREY:** I have no questions for Ms. Hood.

6 **MR. RACHAL:** In closing, Your Honor, Commission Staff submits that it's borne
7 the burden of proof by proving by documentary and testimonial evidence that
8 Louisiana Oilfield Logistics, LLC violated Commission's General Order October
9 13, 2023 by failing to maintain the required insurance coverage on file with the
10 Commission. As Ms. Hood indicated, Staff is seeking that the company be found
11 guilty of this violation, and that the Common Carrier Certificate Numbers 8193 and
12 8194 be cancelled, and that the carrier be ordered to pay a citation fee of \$25.

13 **JUDGE FREY:** Thank you, Mr. Rachal. Anything further from the Staff on this
14 matter?

15 **MR. RACHAL:** No, Your Honor,

16 **JUDGE FREY:** Madam Court Reporter has informed me that she does not have a
17 copy of Exhibit 5. Does anybody have an extra copy of Exhibit 5?

18 **MR. RACHAL:** Yes, Your Honor. May I approach?

19 **JUDGE FREY:** Yes, you may. Thank you, Mr. Rachal. If there's nothing further,
20 Docket Number T-37232 is adjourned.

21

22 **DOCKET NO. T-37233**

1 **JUDGE FREY:** The next matter on the docket this morning is Docket Number T-
2 37233 - Louisiana Public Service Commission versus LaFontaine Furniture
3 Movers, LLC. In re: Cancellation of Common Carrier Certificate Number 8219
4 for failure to maintain the required insurance coverage on file with the Commission
5 pursuant to General Orders dated March 16, 2021 and October 13, 2023. Would
6 the parties present please make their appearances for the record?

7 **MR. RACHAL:** Paul Rachal on behalf of Staff.

8 **JUDGE FREY:** Let the record reflect that there is no one present in the courtroom
9 this morning on behalf of LaFontaine Furniture Movers. Mr. Rachal, you may
10 proceed.

11 **MR. RACHAL:** Thank you, Your Honor. Your Honor, Commission Staff is
12 prepared to prove that both documentary and testimonial evidence, that the carrier
13 cited in this docket, LaFontaine Furniture Movers, LLC, violated the Commission
14 rules and regulations by failing to maintain the required insurance coverage on file
15 with the Commission as required by Commission's General Orders dated March 16,
16 2021 and October 13, 2023. Your Honor, as a result of that violation, at the
17 conclusion of this hearing, the Commission is going to request that the carrier be
18 found guilty and cancel the carrier Common Carrier Certificate Number 8219.
19 Your Honor, at this time we'd like to call our first and only witness, Transportation
20 Enforcement Agent, Ms. Hood.

21 **Maegan Hood after having been previously duly sworn, testified as follows:**

22 **JUDGE FREY:** Mr. Rachal.

23 **DIRECT EXAMINATION BY MR. PAUL RACHAL**

1 **MR. RACHAL:** Thank you, Your Honor. Ms. Hood, good morning. Can you
2 please state your name and business address for the record?

3 **MS. HOOD:** Maegan Hood, 602 North 5th Street, Baton Rouge, Louisiana 70802.

4 **MR. RACHAL:** And by whom are you employed?

5 **MS. HOOD:** Louisiana Public Service Commission's Transportation Division as
6 an Enforcement Agent.

7 **MR. RACHAL:** And could you describe some of your duties as the Transportation
8 Enforcement Agent?

9 **MS. HOOD:** I oversee and receive insurance filings for motor carriers.

10 **MR. RACHAL:** And what documents are submitted to evidence insurance?

11 **MS. HOOD:** For household good movers, a Form E is submitted for auto liability,
12 a Form H for cargo insurance, an ACCORD for workman's comp and a \$5,000
13 surety bond.

14 **MR. RACHAL:** And what Commission orders requires household HHG carriers
15 file a Form E as proof of insurance?

16 **MS. HOOD:** The Commission's General Order dated March 16, 2021 and October
17 13, 2023.

18 **MR. RACHAL:** And what statute gives the Commission authority to cancel a
19 motor carrier's authority?

20 **MS. HOOD:** Title 45, Section 166.

21 **MR. RACHAL:** And as part of the duties that you just discussed, are you the
22 person who receives any correspondence or filings associated with a regulated
23 carrier's insurance?

1 **MS. HOOD:** Yes.

2 **MR. RACHAL:** Are you familiar with the carrier in this docket, LaFontaine
3 Furniture Movers, LLC?

4 **MS. HOOD:** Yes.

5 **MR. RACHAL:** And is this company a registered carrier with the LPSC?

6 **MS. HOOD:** Yes.

7 **MR. RACHAL:** And what type of carrier is this company?

8 **MS. HOOD:** They're a household good movers.

9 **MR. RACHAL:** Has the Commission's Transportation Division received any
10 correspondence associated with the carrier's commercial automobile insurance
11 policy?

12 **MS. HOOD:** Yes. We received a Form K.

13 **MR. RACHAL:** You have a document in front of you marked as Staff Exhibit 1.
14 Can you identify this document?

15 **MS. HOOD:** This is the current Form K from the carrier.

16 **MR. RACHAL:** And to whom was this document sent?

17 **MS. HOOD:** The Transportation Division.

18 **MR. RACHAL:** And who sent this document to the Transportation Division of
19 the Commission?

20 **MS. HOOD:** State Farm Mutual Automobility Insurance Company.

21 **MR. RACHAL:** And what date did the Commission receive this document?

22 **MS. HOOD:** March 11, 2024.

1 **MR. RACHAL:** And do you know what the acronyms BI and PD at the top right
2 of the document indicate?

3 **MS. HOOD:** Bodily injury and property damage.

4 **MR. RACHAL:** And what does this document indicate?

5 **MS. HOOD:** It indicates that the carrier's bodily injury and property damage auto
6 liability policy would be cancelled.

7 **MR. RACHAL:** And what is the insurance policy cancellation date provided in
8 that document?

9 **MS. HOOD:** April 17, 2024.

10 **MR. RACHAL:** And is this document electronically signed by an authorized
11 company representative?

12 **MS. HOOD:** Yes.

13 **MR. RACHAL:** Your Honor, Staff moves to offer, and file, introduce into
14 evidence Staff Exhibit 1, the Form K.

15 **JUDGE FREY:** Staff Exhibit 1 is admitted.

16 **MR. RACHAL:** Thank you, Your Honor. What did the Transportation Division
17 do after receiving these documents?

18 **MS. HOOD:** We mailed a cancellation letter.

19 **MR. RACHAL:** You have a document before you marked as Staff Exhibit 2.
20 Could you identify this document?

21 **MS. HOOD:** This is the notice of cancellation letter.

22 **MR. RACHAL:** And to whom was this document sent?

23 **MS. HOOD:** LaFontaine Furniture Movers.

1 **MR. RACHAL:** And what date did Commission send this document?

2 **MS. HOOD:** April 18, 2024.

3 **MR. RACHAL:** And what does this document indicate?

4 **MS. HOOD:** It notifies LaFontaine to have their insurance underwriter promptly

5 file a current correct Form E within 30 days of the date of the letter or the

6 cancellation process will begin.

7 **MR. RACHAL:** And this letter provided instruction to the carrier on how to

8 remedy the issue?

9 **MS. HOOD:** Yes.

10 **MR. RACHAL:** And did the letter provide any consequences if the carrier failed

11 to provide proof of insurance?

12 **MS. HOOD:** Yeah. It warned the carrier that proceeding may be instituted against

13 them for cancellation of their certificate.

14 **MR. RACHAL:** And is the carrier address on the document sent the same as the

15 address on file for this particular carrier?

16 **MS. HOOD:** Yes.

17 **MR. RACHAL:** And has Staff received a change of address notice from this

18 carrier prior to the sending of this letter?

19 **MS. HOOD:** We have not.

20 **MR. RACHAL:** And did you prepare this notice to update the Form E for mailing

21 and mail it to the carrier by means of U.S. mail?

22 **MS. HOOD:** No. Ms. Burl did.

23 **MR. RACHAL:** And who is Ms. Burl, by the way?

1 **MS. HOOD:** Transportation Administrator.

2 **MR. RACHAL:** And whose signature is on the notice of cancellation letter?

3 **MS. HOOD:** Tammy Burl's, the Transportation Administrator.

4 **MR. RACHAL:** And is this signature automatically generated by the

5 Commission's database?

6 **MS. HOOD:** Yes.

7 **MR. RACHAL:** Your Honor, Staff moves to offer, file, and introduce into

8 evidence as Staff Exhibit 2, the notice of cancellation letter.

9 **JUDGE FREY:** Staff Exhibit 2 is admitted.

10 **MR. RACHAL:** Thank you, Your Honor. After the carrier was notified about the

11 notice of cancellation being sent, did the carrier submit a Form E for proof of

12 insurance?

13 **MS. HOOD:** They did not.

14 **MR. RACHAL:** What did the Transportation Division do next?

15 **MS. HOOD:** I mailed them -- the carrier a tentative hearing letter.

16 **MR. RACHAL:** You have a document before you marked as Staff Exhibit 3, in

17 globo. Can you identify this document?

18 **MS. HOOD:** Yes. This is the tentative hearing letter mailed to LaFontaine.

19 **MR. RACHAL:** And what does this document indicate?

20 **MS. HOOD:** It notifies the carrier that the tentative hearing date is Thursday,

21 August 1, 2024 was set for failure to maintain insurance on file with the

22 Commission and that the citation will be issued for LaFontaine if they do not submit

23 proof by June 5, 2024.

1 **MR. RACHAL:** And did you personally prepare this letter?

2 **MS. HOOD:** I did.

3 **MR. RACHAL:** And is the address on this document the same address that was

4 on the letters that were sent?

5 **MS. HOOD:** Yes.

6 **MR. RACHAL:** And did you prepare this tentative hearing letter for mailing and

7 mail it to the carrier by means of U.S. mail?

8 **MS. HOOD:** Yes.

9 **MR. RACHAL:** And when was it put into the mail?

10 **MS. HOOD:** May 21, 2024.

11 **MR. RACHAL:** And whose signature is on the tentative hearing letter?

12 **MS. HOOD:** Mine.

13 **MR. RACHAL:** And was this tentative hearing letter also emailed to the carrier?

14 **MS. HOOD:** Yes.

15 **MR. RACHAL:** Did you send this letter to the email address that's on the tentative

16 hearing letter?

17 **MS. HOOD:** I did.

18 **MR. RACHAL:** And were there any documents attached to this letter?

19 **MS. HOOD:** The notice of cancellation letter was attached.

20 **MR. RACHAL:** Your Honor, Staff moves to offer, file, and introduce into

21 evidence as Staff Exhibit 3, in globo, the tentative hearing letter sent to the carrier

22 with the notice of cancellation letter attached.

23 **JUDGE FREY:** Staff Exhibit 3, in globo, is admitted.

1 **MR. RACHAL:** Thank you, Your Honor. Did the U.S. postal service return the
2 tentative hearing letters as undeliverable for any reason?

3 **MS. HOOD:** No.

4 **MR. RACHAL:** After the tentative hearing letter was sent to the carrier, did the
5 carrier submit an updated Form E?

6 **MS. HOOD:** They did not.

7 **MR. RACHAL:** After receiving no response from the carrier, what action did the
8 Transportation Division take next?

9 **MS. HOOD:** A citation was issued.

10 **MR. RACHAL:** And you have a document before you marked as Staff Exhibit 4,
11 in globo. Do you recognize this document?

12 **MS. HOOD:** Yes. This is the citation.

13 **MR. RACHAL:** And to whom was the document sent?

14 **MS. HOOD:** LaFontaine Furniture Movers, LLC.

15 **MR. RACHAL:** And according to the second page, what date did the Commission
16 send this document?

17 **MS. HOOD:** June 19, 2024.

18 **MR. RACHAL:** And is the carrier address on the document sent the same as the
19 address on file with the Commission for this particular carrier?

20 **MS. HOOD:** Yes.

21 **MR. RACHAL:** And whose signature is on the citation?

22 **MS. HOOD:** Ms. Tammy Burl, Transportation Administrator.

23 **MR. RACHAL:** And were there any documents attached to this citation?

1 **MS. HOOD:** Yes. The tentative hearing letter and the notice of cancellation letter.

2 **MR. RACHAL:** And did the citation provide the carrier notice that a citation fee
3 in the amount of \$25 had been assessed to the carrier's account?

4 **MS. HOOD:** Yes.

5 **MR. RACHAL:** And did the citation also provide the carrier notice that an order
6 may be issued by the Commission, cancelling the carrier's common carrier
7 certificate number for failure to maintain the required insurance coverage?

8 **MS. HOOD:** Yes.

9 **MR. RACHAL:** And what was the hearing date, time, and location provided in
10 the citation?

11 **MS. HOOD:** Thursday, August 1, 2024, at 9:30 A.M. Galvez Building, 11th Floor,
12 602 North 5th Street, Baton Rouge, Louisiana 70802.

13 **MR. RACHAL:** And was notice of the citation published and available to the
14 general public in the Commission's Official Bulletin Number 1326, dated June 21,
15 2024?

16 **MS. HOOD:** Yes.

17 **MR. RACHAL:** Your Honor, Staff moves to offer, file, introduce into evidence
18 the Staff Exhibit 4, in globo, the citation with all its attachments.

19 **JUDGE FREY:** Staff Exhibit 4 is admitted.

20 **MR. RACHAL:** Thank you, Your Honor. Once you --

21 **JUDGE FREY:** In globo. I'm sorry. It's admitted as an in globo exhibit.

22 **MR. RACHAL:** Thank you, Your Honor. Once you executed the citation, did you
23 mail the citation to the carrier?

1 **MS. HOOD:** Yes.

2 **MR. RACHAL:** And was the citation sent by certified mail with a return receipt
3 request as well as regular mail?

4 **MS. HOOD:** It was.

5 **MR. RACHAL:** Was the regular mail returned for any reason?

6 **MS. HOOD:** No.

7 **MR. RACHAL:** Was the citation claimed and have you received a return receipt
8 from the certified mailing?

9 **MS. HOOD:** Yes.

10 **MR. RACHAL:** You have in front of you a document marked as Staff Exhibit 5.
11 Do you recognize this document?

12 **MS. HOOD:** Yes. It's the USPS tracking.

13 **MR. RACHAL:** And what is the carrier's address on that document?

14 **MS. HOOD:** It just says Lafayette, Louisiana 70501.

15 **MR. RACHAL:** And is this the same address on file with the Commission?

16 **MS. HOOD:** Yes.

17 **MR. RACHAL:** And what does this document indicate?

18 **MS. HOOD:** It indicates that it was delivered to an individual at the address on
19 June 22, 2024.

20 **MR. RACHAL:** And does the tracking number on this document, ending in 0371,
21 match the last four numbers of the certified mail receipt shown on the citation?

22 **MS. HOOD:** Yes.

1 **MR. RACHAL:** Your Honor, Staff moves to offer, file, and introduce into
2 evidence Staff Exhibit 5, the USPS tracking.

3 **JUDGE FREY:** Staff Exhibit 5 is admitted.

4 **MR. RACHAL:** Thank you, Your Honor. As of today, has a representative of the
5 carrier filed the appropriate documents to close its certificate?

6 **MS. HOOD:** No.

7 **MR. RACHAL:** And as of today, has the carrier filed an updated Form E with the
8 Commission?

9 **MS. HOOD:** No.

10 **MR. RACHAL:** Is Staff seeking that the carrier be found guilty of failing to
11 maintain insurance filings and that the Common Carrier Certificate Number 8219
12 be cancelled?

13 **MS. HOOD:** Yes.

14 **MR. RACHAL:** And does Staff also seek that the carrier pay a \$25 citation fee as
15 authorized by the June 7, 2006 General Order?

16 **MS. HOOD:** Yes.

17 **MR. RACHAL:** No further questions, Your Honor.

18 **JUDGE FREY:** Thank you. I have some questions for you, Ms. Hood. Do you
19 have as what was admitted as Staff Exhibit 1 in front of you?

20 **MS. HOOD:** Yes, ma'am.

21 **JUDGE FREY:** What date was this received by the Public Service Commission?

22 **MS. HOOD:** March 11, 2024.

1 **JUDGE FREY:** And Mr. Rachal asked you about the initials in the top-righthand
2 corner. Does this Form K say BI and P?
3 **MS. HOOD:** Yes, ma'am.
4 **JUDGE FREY:** And who issued this Form K?
5 **MS. HOOD:** State Farm Mutual Automobile Insurance Company.
6 **JUDGE FREY:** Thank you. And do you have what was admitted as Staff Exhibit
7 2 in front of you?
8 **MS. HOOD:** Yes, ma'am.
9 **JUDGE FREY:** Can you confirm the date that this was mailed to the carrier?
10 **MS. HOOD:** April 18, 2024.
11 **JUDGE FREY:** Thank you. And do you have what was admitted as Staff Exhibit
12 3, in globo, in front of you?
13 **MS. HOOD:** Yes, ma'am.
14 **JUDGE FREY:** And you indicated that this was sent to LaFontaine Furniture
15 Movers. Is the address on the letter the same as the address on file with the
16 Commission?
17 **MS. HOOD:** It is.
18 **JUDGE FREY:** And you indicated it was sent to the email on the letter. Are there
19 two email addresses on the letter?
20 **MS. HOOD:** Yes, ma'am.
21 **JUDGE FREY:** Was it emailed to both email addresses?
22 **MS. HOOD:** It was.

1 **JUDGE FREY:** Thank you. And you may have answered this, but the citation,
2 was notice of the issuance of the citation published in the Bulletin Number 1326 on
3 June 21, 2024?

4 **MS. HOOD:** Yes, ma'am.

5 **JUDGE FREY:** And the citation was sent via regular USPS mail and certified
6 mail return receipt requested?

7 **MS. HOOD:** It was.

8 **JUDGE FREY:** And was the regular mail returned?

9 **MS. HOOD:** No, it wasn't.

10 **JUDGE FREY:** Was any of the regular mail, any of the correspondence, the
11 tentative hearing letter, the notice of cancellation letter or -- were they returned?

12 **MS. HOOD:** No, ma'am. They weren't.

13 **JUDGE FREY:** And did the Commission Staff receive the certified mail return
14 receipt green card in this matter?

15 **MS. HOOD:** No. They did not.

16 **JUDGE FREY:** So when the Staff didn't get the green card, what did you do?

17 **MS. HOOD:** We went to the USPS website and used the tracking number to track
18 the package.

19 **JUDGE FREY:** And what was admitted as Staff Exhibit 5, that's a printout from
20 going to the website and entering the tracking number?

21 **MS. HOOD:** Yes, ma'am.

22 **JUDGE FREY:** I have no further questions. Do you have any redirect, Mr.
23 Rachal?

1 **MR. RACHAL:** No, Your Honor.

2 **JUDGE FREY:** Thank you. Do we have anything further for Ms. Hood?

3 **MR. RACHAL:** No, Your Honor.

4 **JUDGE FREY:** You may step down, Ms. Hood.

5 **MS. HOOD:** Thank you.

6 **MR. RACHAL:** In closing, Your Honor, Commission Staff submits that it has
7 borne the burden of proof -- the burden of proving by documentary and testimonial
8 evidence that LaFontaine Furniture Movers, LLC violated Commission General
9 Orders dated March 16, 2021 and October 13, 2023 by failing to maintain the
10 required insurance coverage on file with the Commission. As Ms. Hood indicated,
11 Staff is seeking that the company be found guilty of this violation, and that their
12 Common Carrier Certificate Number 8219 be cancelled, and that the carrier be
13 ordered to pay a citation fee of \$25.

14 **JUDGE FREY:** And what General Order authorized the assessment of a \$25
15 citation fee?

16 **MR. RACHAL:** June 7, 2006 General Order.

17 **JUDGE FREY:** Thank you. Is there anything further from Commission Staff on
18 this matter?

19 **JUDGE FREY:** No, Your Honor.

20 **JUDGE FREY:** Thank you. Docket Number T-37233 is adjourned. That is all of
21 the matters I have on the docket this morning. Is there anything further from
22 Commission Staff?

23 **MR. RACHAL:** Nothing from Staff, Your Honor.

1 **JUDGE FREY:** There is nothing further, these hearings are adjourned.

2

3 **(WHEREUPON, THE HEARING WAS ADJOURNED)**

4

1 I hereby certify that the foregoing pages 1 through 30 are true and correct to
2 the best of my knowledge of the Transportation Citation Hearings held on
3 August 1, 2024.

4 *****

5 **Rough Draft by:**

6 Beth Boozer

August 2, 2024

7 **Beth Boozer,**
8 **Court Reporter**

Date

9 **Proofed by:**

10 Clarisa Findley

August 2, 2024

11 **Clarisa Findley,**
12 **Court Reporter**

Date

13 **Finalized by:**

14 Beth Boozer

August 6, 2024

15 **Beth Boozer,**
16 **Court Reporter**

Date

17