

# LOUISIANA PUBLIC SERVICE COMMISSION

## ORDER NO. T-32921

### LOUISIANA PUBLIC SERVICE COMMISSION V. BOOTS SMITH OILFIELD SERVICES, LLC (LAUREL, MISSISSIPPI)

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*Docket Number T-32921 – In Re: Alleged violation of Louisiana Revised Statutes Title 45:161 through 180.1 as amended, by operating Intrastate without LPSC authority on seventy-eight (78) counts; allegedly occurring on or about June 4, 2013 through June 29, 2013.*

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(Decided at the October 18, 2013 Business and Executive Meeting)

#### ***Background***

On July 23, 2013, the Louisiana Public Service Commission (“Commission”) issued a citation to Boots Smith Oilfield Services, LLC (“Boots Smith” or the “Carrier”), directing the Carrier to show cause at a hearing to be held on September 12, 2013, why it should not be found guilty of violating Louisiana Revised Statutes Title 45:161 through 180.1 as amended, by operating intrastate without LPSC authority on seventy-eight (78) counts; allegedly occurring on or about June 4, 2013 through June 29, 2013. Notice of this proceeding was published in the Commission’s Official Bulletin dated July 24, 2013.

The LPSC Transportation Division received a complaint that Boots Smith was hauling regulated waste for disposal within the state of Louisiana to a disposal site in Mermentau. Upon receipt of this complaint, Commission Staff initiated an investigation. As part of the investigation, Staff reviewed UIC-28 manifests from the U.S. Liquids facility in Mermentau, Louisiana that were provided by the Office of Conservation. Upon review of the documentation Staff discovered seventy-eight (78) loads of regulated waste hauled by Boots Smith. Boots Smith does not possess authority to haul regulated waste within the state of Louisiana. As a result, a Citation was issued to the Carrier.

Boots Smith is primarily located in Mississippi; however the loads in question did not constitute interstate transportation of waste. Instead, Boots Smith hauled intrastate from points within Louisiana to the disposal site in Mermentau. Representatives of Boots Smith cooperated with Commission Staff in the investigation and acknowledged the loads in question. Boots Smith provided documentation to Commission Staff and further self reported forty-three (43) loads that took place during July, 2013 in an effort to clear up all outstanding issues. After review of the documentation, Commission Staff and the Carrier reached a stipulated agreement.

By stipulation and agreement signed September 5, 2013, the Carrier agreed to plead guilty and admit that it had violated Louisiana Revised Statutes Title 45:161 through 180.1 as amended, by operating intrastate without authority on seventy-eight (78) counts allegedly occurring on or about June 4, 2013 through June 29, 2013, and an additional forty-three (43) counts allegedly occurring on or about July 1, 2013 through July 30, 2013. Boots Smith agreed to the imposition of a \$50,000.00 fine with \$15,000.00 suspended, conditioned on the carrier not committing any additional violations for a period of one (1) year, from the date of the stipulated agreement, together with a \$25.00 citation fee for a total of \$35,025.00 due 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 under Rule 57 and approve the agreement between Staff and the Carrier of September 5, 2013, wherein the Carrier agreed to plead guilty and admit that it had violated Louisiana Revised Statutes Title 45:161 through 180.1, as amended, on one hundred and twenty-one (121) counts. Further, Staff recommended that the Commission authorize and approve the fine of \$50,000.00 with \$15,000.00 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 \$35,025.00 to be paid to the Commission.

***Commission Action***

This matter was considered by the Commission at the Business and Executive Session held on October 18, 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 Holloway, seconded by Commissioner Campbell, and unanimously adopted, the Commission voted to approve the agreement between Staff and the Carrier of September 5, 2013, wherein the Carrier agreed to plead guilty and admit that it had violated Louisiana Revised Statutes Title 45:161 through 180.1, as amended, on one hundred and twenty-one (121) counts. The Commission authorized and approved the fine of \$50,000.00 with

\$15,000.00 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 \$35,025.00 to be paid to the Commission.

**IT IS THEREFORE ORDERED:**

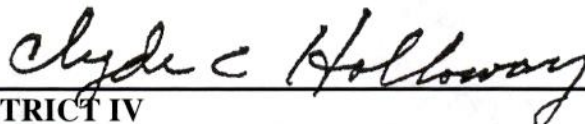
That the Guilty Plea entered into by Boots Smith Oilfield Services to the allegations that it violated Louisiana Revised Statutes Title 45:161 through 180.1 as amended, on one hundred and twenty-one (121) counts, is hereby accepted. Accordingly, all conditions of the stipulated agreement dated September 5, 2013, are hereby given effect.

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

November 4, 2013



**DISTRICT I  
CHAIRMAN ERIC F. SKRMETTA**



**DISTRICT IV  
VICE CHAIRMAN CLYDE C. HOLLOWAY**



**DISTRICT V  
COMMISSIONER FOSTER L. CAMPBELL**

**DISTRICT III  
COMMISSIONER LAMBERT C. BOISSIERE, III**



**EVE KAHAO GONZALEZ  
SECRETARY**

**DISTRICT II  
COMMISSIONER SCOTT A. ANGELLE**