

LOUISIANA PUBLIC SERVICE COMMISSION

ORDER NO. T-32840

LOUISIANA PUBLIC SERVICE COMMISSION V. ROY BAILEY CONSTRUCTION,
INC. (BELL CITY, LOUISIANA)

Docket Number T-32840 – In Re: Alleged violation of Louisiana Revised Statutes Title 45:161 through 180.1 as amended, by operating beyond the scope of authority granted in LPSC 5917-A on seventy (70) counts; allegedly occurring on or about April 1, 2013 through May 31, 2013.

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

Background

On June 27, 2013, the Louisiana Public Service Commission (“Commission”) issued a citation to Roy Bailey Construction, Inc. (“Roy Bailey” or the “Carrier”), directing the Carrier to show cause at a hearing to be held on August 8, 2013, why it should not be found guilty of violating Louisiana Revised Statutes Title 45:161 through 180.1 as amended, by operating beyond the scope of authority granted in LPSC 5917-A on seventy (70) counts; allegedly occurring on or about April 1, 2013 through May 31, 2013. Notice of this proceeding was published in the Commission’s Official Bulletin dated August 16, 2013.

As part of a Transportation Division investigation, UIC-28 manifests from the U.S. Liquids facility in Lacassine, Louisiana were provided by the Office of Conservation. Upon review of the documentation Staff discovered seventy (70) loads of regulated completion fluids hauled by Roy Bailey in violation of LPSC Certificate No. 5917-A. Certificate 5917-A, issued on June 12, 1990 authorizes:

Transportation of oilfield materials, supplies and wastes, in liquid or in bulk, including but not limited to salt water, originating in Cameron and Calcasieu Parishes only, for delivery or disposal, over irregular routes, statewide. The description of the authority above is intended to provide full vacuum truck service, limited to the use of vacuum truck type vehicles.

As a result of the Staff investigation, it was discovered that Roy Bailey hauled waste originating in Jefferson Davis Parish, in violation of their authority from the LPSC. Roy Bailey is a member of the Vacuum Truck Carriers Association of Louisiana (“VTC”). As a member of the VTC, Roy Bailey is aware of the rules and regulations of the LPSC as well as the limitation on the authority held by the Carrier. As a result of the investigation, a Citation was issued to the Carrier. Commission Staff communicated with the Carrier through their Attorney. Further, a meeting was requested by the Carrier and conducted with District IV. As a result of reviewing all

communication and documentation, nine (9) counts were dismissed and the Carrier agreed to plead guilty to sixty-one (61) violations.

By stipulation and agreement signed October 22, 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 beyond the scope of authority granted in LPSC No. 5917-A on sixty-one (61) counts. The Carrier waived its right to a hearing and agreed to pay a fine of \$35,000.00 with \$17,500.00 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 \$17,525.00 to be paid to the Commission over the course of six (6) months.

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 October 22, 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 sixty-one (61) counts. Further, Staff recommended that the Commission authorize and approve the fine of \$35,000.00 with \$17,500.00 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 \$17,525.00 to be paid to the Commission over the course of six (6) months.

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 Angelle, 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 Campbell, and unanimously adopted, the Commission voted to approve the agreement between Staff and the Carrier of October 22, 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 sixty-one (61) counts. Further, Staff recommends that the Commission authorize and approve the fine of \$35,000 with \$17,500 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 \$17,525.00 to be paid to the Commission over the course of six (6) months.

IT IS THEREFORE ORDERED:

That the Guilty Plea entered into by Roy Bailey Construction to the allegations that it violated Louisiana Revised Statutes Title 45:161 through 180.1 as amended, on sixty-one (61) counts, is hereby accepted. Accordingly, all conditions of the stipulated agreement dated October 22, 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 KHAO GONZALEZ
SECRETARY

/S/ SCOTT A. ANGELLE
DISTRICT II
COMMISSIONER SCOTT A. ANGELLE