

# LOUISIANA PUBLIC SERVICE COMMISSION

ORDER NO. T-32434

LOUISIANA PUBLIC SERVICE COMMISSION V. JAMES G. GOBERT, INC DBA LAKE CITY TRUCKING (LAKE CHARLES, LOUISIANA)

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*Docket Number T-32434 – Alleged violation of Louisiana Revised Statutes Title 45:161 through 180.1 as amended, by operating beyond the scope of authority granted in LPSC number 1663-A on eleven (11) counts; allegedly occurring between September 19, 2011 and September 24, 2011.*

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(Decided at the October 24, 2012 Business and Executive Meeting)

## **Background**

On July 11, 2012, the Louisiana Public Service Commission (“Commission”) issued a citation to James G. Gobert, Inc. dba Lake City Trucking (Lake Charles, Louisiana) (“Lake City”), directing the Carrier to show cause at a hearing to be held on September 6, 2012, 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 number 1663-A on eleven (11) counts; allegedly occurring between September 19 and September 24, 2011. Notice of this proceeding was published in the Commission’s Official Bulletin dated July 20, 2012.

Pursuant to Contract Carrier Permit No. 1663-A, Lake City is limited to hauling waste pursuant to contracts with shippers or receivers. The Citation herein arose out of circumstances where Lake City was hauling oilfield waste that was not subject to a contract with a shipper or receiver. Instead, Lake City believed they were operating pursuant to a lease with Southern Specialties Transportation, LLC (“Southern Specialties”) and thus acting under the authority granted to Southern Specialties. However, Lake City was not under any lease during the timeframe in question and also did not comply with additional requirements to validly operate under a lease.

Commission Staff’s investigation revealed that these violations were good faith mistakes made on the part of Lake City. As evidence of this, Lake City did produce a lease with Southern Specialties that was effective on September 29, 2011. However, given that the lease was not effective at the time of the violations and further leasing requirements were not met, Lake City admitted to the violations occurring between September 19 and 24, 2011.

By stipulation and agreement dated September 28, 2012, the Carrier agreed to plead guilty to the alleged violations, waived its right to a hearing and agreed to pay a fine of \$2,000.00, per count, with \$1,500.00 per count being suspended, conditioned on Lake City not

committing any additional violations within the following one (1) year, from the date of the Stipulated Agreement.

The Carrier agreed that it had violated Louisiana Revised Statutes Title 45:161 through 180.1 as amended, by operating beyond the scope of its authority on eleven (11) counts. The Carrier operated under a good faith mistake as to the effective date of their lease and the plea agreement and fine are consistent with the facts of the case. The fine and citation fee has been paid by the Carrier in anticipation of the stipulation and plea being approved by the Commission.

***Staff Recommendation***

That the Commission exercise its original and primary jurisdiction under Rule 57 and accept the agreement between Staff and the Carrier, dated September 28, 2012, wherein the Carrier agreed to plead guilty and agreed to pay a fine of \$2,000.00, per count, with \$1,500.00 per count being suspended, Lake City not committing any additional violations within the following one (1) year from the date of the Stipulation and Agreement, and agreed that the unsuspended portion of the fine and the citation fee, for a total of \$5,525.00, would be remitted to the Commission.

***Commission Action***

The Commission considered the matter at the October 24, 2012, Business and Executive Session. On motion of Commissioner Skrmetta, seconded by Commissioner Campbell, with Commissioner Holloway concurring and Commissioners Field and Boissiere temporarily absent, the Commission voted to exercise its original and primary jurisdiction and bring this matter up pursuant to Rule 57.

On motion of Commissioner Holloway, seconded by Commissioner Campbell, with Commissioner Skrmetta concurring and Commissioners Field and Boissiere temporarily absent, the Commission voted to accept the Staff Recommendation and adopt the agreement between Staff and the Carrier, dated September 28, 2012, wherein the Carrier agreed to plead guilty and agreed to pay a fine of \$2,000.00, per count, with \$1,500.00 per count being suspended, Lake City not committing any additional violations within the following one (1) year from the date of the Stipulation and Agreement, and agreed that the unsuspended portion of the fine and the citation fee, for a total of \$5,525.00, would be remitted to the Commission.



**IT IS THEREFORE ORDERED:**

That the Guilty Plea entered into by James G. Gobert, Inc. dba Lake City Trucking, to the allegations 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 number 1663-A on eleven (11) counts; allegedly occurring between September 19, 2011 and September 24, 2011, be and is hereby accepted and that a fine of \$2,000.00 per count with \$1,500.00 per count being suspended is hereby imposed, the suspended portion of the fine being conditioned on not committing any additional violations within one (1) year of the date of the Stipulation and Agreement. The Carrier is further ordered to pay a citation fee of \$25.00, the unsuspended portion of the fine and citation fee, totaling \$5,525.00, is to be paid in full within fifteen (15) days of the issuance of this Order.

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

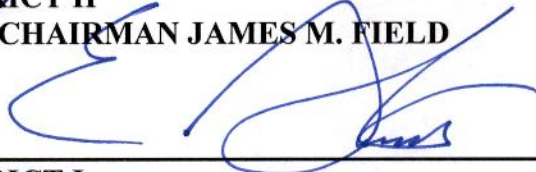
November 19, 2012



**DISTRICT V  
CHAIRMAN FOSTER L. CAMPBELL**



**DISTRICT II  
VICE CHAIRMAN JAMES M. FIELD**



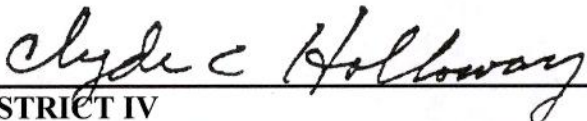
**DISTRICT I  
COMMISSIONER ERIC F. SKRMETTA**



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



**EVE KAHAO GONZALEZ  
SECRETARY**



**DISTRICT IV  
COMMISSIONER CLYDE C. HOLLOWAY**