

# LOUISIANA PUBLIC SERVICE COMMISSION

ORDER NUMBER T-36355

MOUNTAIN COUNTRY ENERGY SERVICES INC,  
EX PARTE

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*Docket No. T-36355, In re: Application for a Common Carrier Certificate of non-hazardous oilfield waste, non-hazardous industrial solid waste and hazardous waste for disposal, statewide.*

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(Decided August 19, 2022.)

## **ORDER**

### ***Overview***

Mountain Country Energy Services Inc<sup>1</sup> (“Mountain Country” or “Applicant”) seeks from the Louisiana Public Service Commission (“LPSC” or “Commission”) a common carrier certificate authorizing Mountain Country to transport non-hazardous oilfield waste, non-hazardous industrial solid waste and hazardous waste for disposal, statewide. Mountain Country is headquartered in Tunkhannock, Pennsylvania and currently holds authorization to transport saltwater from the Commission.

### ***Background***

On May 17, 2022, Mountain Country filed an application (“Application”) seeking authorization from the Commission to operate as a common carrier of non-hazardous oilfield waste, non-hazardous industrial solid waste and hazardous waste for disposal, statewide. Notice of the Application was published in the Commission’s Official Bulletin on May 27, 2022. No interventions were filed during the intervention period or at any point thereafter.

At the initial status conference on June 28, 2022, representatives of the Applicant and the Commission Staff agreed to a procedural schedule with deadlines for filing pre-hearing statements and set a hearing for August 16, 2022, during which the Applicant would have the burden of proving fitness under the Commission’s General Order dated January 23, 2018.

Mountain Country filed the Pre-Hearing Statement of Mountain Country Energy Services Inc on August 9, 2022, along with an affidavit from Ryan Andrews, part owner and President of Mountain Country. The Commission Staff filed LPSC Staff’s Pre-Hearing Statement also on August 9, 2022, advising that it supports Mountain Country’s Application. Commission Staff

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<sup>1</sup> The Application and subsequent publication in the Commission’s Official Bulletin for this matter listed the Applicant as “Mountain Country Services Inc.”; however, the Applicant confirmed in an affidavit filed on August 9, 2022, and at the hearing in this matter, that the correct spelling of the Applicant is “Mountain Country Services Inc”.

supports the Application and there are no intervenors; thus, the Application is considered unopposed.

### ***Jurisdiction and Applicable Law***

The Commission derives its jurisdiction over common carriers and public utilities from the Louisiana Constitution of 1974, Article IV, Section 21 which provides, in pertinent part, that:

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 shall have other powers and perform other duties as provided by law.

In addition, La. R.S. 45:163 provides that “[t]he [C]ommission has the power and authority necessary to supervise, govern, regulate, and control motor carriers...which transport household goods, passengers, or waste intrastate and to fix reasonable and just rates, fares, tolls, or charges for the commodities furnished or services rendered by such motor carriers.” La. R.S. 45:164 states that “[n]o motor carrier of waste shall operate without first having obtained from the [C]ommission a common carrier certificate or contract carrier permit.” La. R.S. 45:164(B) provides that an applicant for a common carrier certificate, contract carrier permit, or expansion of authority granted in an existing certificate must prove fitness by proving all of the following:

- (1) The applicant holds, or is capable of acquiring, an insurance policy that complies with [C]ommission rules.
- (2) The applicant has the financial ability to provide the transportation of waste for disposal in a safe and efficient manner.
- (3) The applicant holds, or is capable of acquiring all the necessary authorizations required by any and all regulatory authorities for the transportation of waste for disposal.
- (4) The applicant holds, or is capable or [sic] acquiring for use, equipment and man power to provide transportation services in a safe and efficient manner
- (5) The applicant has in place, or is capable of establishing, a safety program necessary for the safe and efficient transportation of waste for disposal.

The Commission’s General Order dated January 23, 2018 incorporated the above requirements into Rule 33 of the Commission’s Rules of Practice and Procedure, which now reads, in pertinent part, as follows:

- A. An applicant applying for a common carrier certificate, contract carrier permit, or expansion of authority granted in an existing certificate or permit authorizing the transportation of non-hazardous oilfield waste, hazardous waste or non-hazardous industrial solid waste shall prove fitness...in a hearing before an administrative law judge or hearing officer by proving that the applicant:

1. holds, or is capable of acquiring, an insurance policy providing coverage of two hundred fifty thousand dollars for injury or death per person or five hundred thousand dollars per occurrence, and ten thousand dollars property damage,
2. has the financial ability to provide the transportation of waste for disposal in a safe and efficient manner,
3. holds, or is capable of acquiring, all of the necessary authorizations required by any and all regulatory authorities for the transportation of waste for disposal[,]
4. holds, or is capable of acquiring for use, equipment and man power to provide transportation services in a safe and efficient manner, and
5. has in place, or is capable of establishing, a safety program necessary for the safe and efficient transportation of waste for disposal.

...

- D. The provisions of this rule are applicable to all applications for common carrier certificates and contract carrier permits of waste and all applications for expansion of existing waste authority, including those applications which are presently pending before the Commission but have not yet gone to hearing on the merits.
- E. All restrictions on existing certificates or permits are valid until expansion of authority is applied for and a new certificate or permit is granted. However, any restrictive language in any existing common carrier certificate or any contract carrier permit of waste that prevents the carrier from applying for expanded authority for any period of time is null and void...
- F. Certificates or permits issued after the adoption of this rule shall not contain restrictions.

### ***The Hearing***

A hearing on the Application was convened on August 16, 2022. At the hearing, appearances were made by Mountain Country and the Commission Staff.

### ***The Applicant's Request for Authority***

The Applicant currently holds Commission Common Carrier Certificate No. 8425, authorizing it to transport saltwater. In the instant Application, Mountain Country seeks authority to transport non-hazardous oilfield waste, non-hazardous industrial solid waste and hazardous waste for disposal, statewide. In support of its Application, Mountain Country presented the testimony of Mandy Wilmot.

### ***Testimony and Evidence Presented by the Applicant***

#### **Testimony of Mandy Wilmot**

Ms. Wilmot is the Director of Environmental Health and Safety for Mountain Country and has been in this field for 12 years. Ms. Wilmot clarified that she is an employed by Mountain Energy Services Inc ("Mountain Energy"); Mountain Country is affiliated with and has the same owners as Mountain Energy, which has been in operation in Pennsylvania for many years. Ms.

Wilmot has the same responsibilities for Mountain Country and Mountain Energy: overseeing the safety and environmental compliance for the companies, and overseeing hiring and training of drivers. Ms. Wilmot testified that Mountain Country is owned by Ryan Andrews, Matthew Andrews, and Vanessa DiMeolo.

Ms. Wilmot provided an overview of Mountain Country's operations and equipment. Mountain Country leases a single terminal in Mansfield, Louisiana; the Applicant does not share this terminal with any other entity. Mountain Country currently has four employees, all of which are drivers operating in Louisiana. The Applicant, at this time, leases from an affiliate company four trucks/tanks to use for Commission-regulated operations. The Applicant neither currently utilizes nor plans to utilize owner/operators. Ms. Wilmot provided an overview of Mountain Country's inspection, maintenance and repair procedures. Mountain Country's maintenance program includes a complete maintenance service after every 300 to 400 hours of use, pre-trip and post-trip inspections for each shift, and annual inspections. Ms. Wilmot stated that the Applicant will operate waste hauling equipment in a safe and efficient manner.

Ms. Wilmot testified regarding Mountain Country's insurance, financial condition, and regulatory requirements. Ms. Wilmot testified that Mountain Country presently has an insurance policy which meets the Commission's requirements, and the Applicant will maintain insurance on file as required by the Commission. Ms. Wilmot explained that Mountain Country was dormant until July 2022, and since then has been actively operating. Ms. Wilmot further explained that Mountain Country's owners provided the Applicant with capital, and are willing and able to provide additional capital if necessary. Ms. Wilmot opined that Mountain Country is financially viable. According to Ms. Wilmot, Mountain Country has never filed for bankruptcy, and has never been subject to state or federal tax audits. Mountain Country is in good standing with the Louisiana Secretary of State. Ms. Wilmot testified regarding her knowledge of various Commission rules and regulations, and the Applicant's intent to comply with all of the rules and regulations of the Commission.

Ms. Wilmot provided an overview of Mountain Country's hiring, training and safety policies. New drivers are subject to background checks, and receive comprehensive training, including being paired with an experienced driver as a mentor; drivers with less than one year of experience operating a vehicle for which they are hired to drive receive additional training. According to Ms. Wilmot, Mountain Country uses the same safety manual, and has the same safety

policies, that have been in place for Mountain Energy. Ms. Wilmot testified that Mountain Country holds regular safety meetings: monthly, weekly and prior to each shift. Ms. Wilmot explained Mountain Country’s “Goal Zero” policy, which promotes safety by rewarding employees if there have been zero safety incidents after a certain number of shifts. According to Ms. Wilmot, Mountain Country has a zero tolerance policy for drugs and alcohol, which includes pre-employment, random, post-incident, and reasonable suspicion testing for drugs and alcohol using a third-party testing service. Mountain Country prohibits drivers from using cellphones while operating its vehicles.

In support of Ms. Wilmot’s testimony, the Applicant submitted the following exhibits into evidence at the hearing:

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| Exhibit 1                   | A copy the affidavit by Ryan Andrews executed August 9, 2022 confirming the correct name of Mountain Country Energy Services Inc and authorizing Mandy Wilmot to testify on its behalf;   |
| Exhibit 2                   | A copy of LPSC Common Carrier Certificate No. 8425 issued to Mountain Country Energy Services Inc on June 8, 2022;  |
| Exhibit 3, <i>in globo</i>  | A copy of Mountain Country Energy Services Inc’s Waste by Motor Vehicle Application (with attachments), as filed with the Commission on May 17, 2022;   |
| Exhibit 4                   | A copy of Mountain Country Energy Services Inc’s Articles of Incorporation, as filed with the Commonwealth of Pennsylvania Department of State on October 14, 2010;   |
| Exhibit 5                   | A copy of Mountain Country Energy Services Inc’s corporate relationship chart;  |
| Exhibit 6                   | A copy of Mountain Country Energy Services Inc’s Preventative Maintenance Program;  |
| Exhibit 7                   | A copy of the <i>ACORD</i> Certificate of Liability Insurance listing Mountain Country Energy Services Inc as the insured dated May 9, 2022;  |
| Exhibit 8A, <i>in globo</i> | Copies of the public versions of the following documents: <ul style="list-style-type: none"><li>• Balance Sheet for Mountain Country Energy Services Inc as of December 31, 2021;</li><li>• Profit &amp; Loss Statement for Mountain Country Energy Services Inc for January through December 2021;</li><li>• Balance Sheet for Mountain Country Energy Services Inc, as of March 31, 2022; and</li><li>• Profit &amp; Loss Statement for Mountain Country Energy Services Inc for January through December 2022;</li></ul> |
| Exhibit 8B, <i>in globo</i> | Copies of the following documents ( <b>admitted confidentially under seal</b> ): <ul style="list-style-type: none"><li>• Balance Sheet for Mountain Country Energy Services</li></ul>   |

	<ul style="list-style-type: none"> <li>Inc, as of December 31, 2021;</li> <li>• Profit &amp; Loss Statement for Mountain Country Energy Services Inc, for January through December 2021;</li> <li>• Balance Sheet for Mountain Country Energy Services Inc, as of March 31, 2022; and</li> <li>• Profit &amp; Loss Statement for Mountain Country Energy Services Inc, for January through December 2022;</li> </ul>
Exhibit 9	A copy of a printout dated August 12, 2022 from the Louisiana Secretary of State Commercial Division website, including Active Status and Registered Agent information for Mountain Country Energy Services Inc;
Exhibit 10	<p>Copies of the following documents:</p> <ul style="list-style-type: none"> <li>• Table of Contents of Mountain Country Energy Services Inc’s safety manual; and</li> <li>• Mountain Country Energy Services Inc’s safety manual (admitted electronically on thumb drive);</li> </ul>
Exhibit 11, <i>in globo</i>	A copy of Mountain Country Energy Services Inc’s Drug and Alcohol Policy;
Exhibit 12	A copy of the Driver Acknowledgement form for Mountain Country Energy Services Inc’s Cell Phone/Smart Phone Policy;
Exhibit 13	A copy of Mountain Country Energy Services Inc’s Fresh Water & Brine Driver/Employee Training Operations;
Exhibit 14	A copy of Mountain Country Energy Services Inc’s SOP Loading/Unloading procedures; and
Exhibit 15	A copy Mountain Country Energy Services Inc’s waste hauling contingency plan.

*Commission Staff’s Position*

The Commission Staff expressed its support for the Application, both in its Pre-Hearing Statement and verbally at the August 16, 2022 hearing. The Commission Staff confirmed in its Pre-Hearing Statement that there are no complaints, citations or violations pending against Mountain Country; further, there are no Annual Report or inspection and supervision fees outstanding. At the hearing, the Commission Staff reiterated that there are no regulatory issues with the Applicant and it supports the Application.

***Conclusion***

Having considered the Application of Mountain Country, the testimony and evidence presented in support of the Application, the directives of the Commission’s General Order dated January 23, 2018, Rule 33 of the Commission’s Rules of Practice and Procedure, and other applicable law, we find that Mountain Country has established its fitness to operate, and that a common carrier certificate should be issued to the Applicant.

Accordingly, **IT IS HEREBY ORDERED** that Mountain Country Energy Services Inc be issued a common carrier certificate authorizing operations in Louisiana intrastate commerce as a common carrier of non-hazardous oilfield waste, non-hazardous industrial solid waste and hazardous waste for disposal, statewide.

**IT IS FURTHER ORDERED** that the issuance of the common carrier certificate is conditioned upon the full compliance of Mountain Country Energy Services Inc with the laws of the State of Louisiana and the rules and regulations of the Louisiana Public Service Commission.

**BY ORDER OF THE COMMISSION**  
**BATON ROUGE, LOUISIANA**  
August 22, 2022



A handwritten signature in blue ink, appearing to read "Brandon M. Frey".

**BRANDON M. FREY**  
**SECRETARY**

/S/ LAMBERT C. BOISSIERE, III  
**DISTRICT III**  
**CHAIRMAN LAMBERT C. BOISSIERE, III**

/S/ MIKE FRANCIS  
**DISTRICT IV**  
**VICE CHAIRMAN MIKE FRANCIS**

/S/ FOSTER L. CAMPBELL  
**DISTRICT V**  
**COMMISSIONER FOSTER L. CAMPBELL**

/S/ ERIC F. SKRMETTA  
**DISTRICT I**  
**COMMISSIONER ERIC F. SKRMETTA**

/S/ CRAIG GREENE  
**DISTRICT II**  
**COMMISSIONER CRAIG GREENE**