

LOUISIANA PUBLIC SERVICE COMMISSION

ORDER NUMBER T-37638

LOUISIANA PUBLIC SERVICE COMMISSION

VERSUS

EQUIPMENT TRANSPORT, LLC OF PENNSYLVANIA

Docket No. T-37638, In re: Cancellation of Common Carrier Certificate Number 8608 for failure to file an Annual Report for 2024 and/or pay a late filing fee of \$500.00 and a citation fee of \$25.00 as required by General Order 2 dated July 1, 1921 and General Order dated March 18, 2021.

(Decided September 10, 2025.)

ORDER

Background

The Louisiana Public Service Commission (“Commission”) issued a citation to Equipment Transport, LLC of Pennsylvania (“Carrier”) dated July 1, 2025, directing the Carrier to appear at a hearing on August 12, 2025 to show cause why its Common Carrier Certificate No. 8608 should not be canceled due to failure to file an Annual Report (as defined *infra*) for 2024 and pay a late filing fee of \$500.00 and a citation fee of \$25.00 as required by *General Order No. 2* dated July 1, 1921 (“General Order No. 2”) and the *General Order* dated March 18, 2021 (“2021 General Order”).¹ Notice of the proceeding was published in the Commission’s *Official Bulletin* on July 3, 2025.² When the hearing was convened on August 12, 2025, the Commission Staff appeared and presented testimonial and documentary evidence in support of its allegations. The Carrier failed to appear and present a defense.

Applicable Law

The Commission’s jurisdiction over common carriers and public utilities is established by Article 4, Section 21 of the Louisiana Constitution of 1974, which provides in pertinent part:

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.

¹ *General Order 3-18-2021 (R-35348)*, Louisiana Public Service Commission, ex parte (*Docket No. R-35348, In re: Possible modification to General Order dated June 19, 2012 to clarify the deadline for filing the Annual Reports by motor carriers.*).

² The *In re:* on the citation states “Cancellation of Common Carrier Certificate *No.* 8608 for failure to file an Annual Report for 2024 *and* pay a late filing fee” rather than “Cancellation of Common Carrier Certificate *Number* 8608 for failure to file an Annual Report for 2024 *and/or* pay a late filing fee” as published in the Commission’s *Official Bulletin* and as it appears on the Commission’s online document system.

Louisiana statutes more specifically describe the powers of the Commission over motor carriers operating intrastate for hire in the transportation of persons, household goods, and waste over the public highways and bridges of Louisiana. The business of operating motor vehicles for hire is a “business affected with a public interest”;³ and “[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.”⁴ Tow trucks are included in the definition of “motor carriers” subject to the Commission’s regulation.⁵ Companies engaged in the intrastate business of transporting household goods, passengers, or certain kinds of waste, intrastate – non-hazardous oilfield wastes, non-hazardous industrial solid wastes, and hazardous wastes – are classified as “common carriers” subject to the Commission’s regulation.⁶

The Commission has a long-established requirement that jurisdictional entities file annually with the Commission reports of their financial and operating conditions. General Order No. 2 was the first to require every jurisdictional entity to annually submit a sworn statement of its operating expenses, operating revenues, and income amounts (hereinafter referred to as an “Annual Report”). The Commission’s most recent General Order addressing Annual Reports is the 2021 General Order, which reiterates that all entities regulated by the Commission shall file an Annual Report with the Commission. Furthermore, it establishes the deadlines for filing Annual Reports: entities that close their financial reporting on a calendar year-end are required to file their Annual Reports on or before the 30th day of April following the end of the applicable calendar year, and entities that close their financial reporting on a fiscal year-end shall file their Annual Reports on or before 120 days from the end of the applicable fiscal year.

Commission orders and statutes specify the penalties if an entity fails to timely file an Annual Report. The 2021 General Order reiterates that the fee for failure to timely file an Annual Report is \$500.00. The Commission’s *General Order* dated June 7, 2006 (“2006 General Order”)⁷ authorizes the imposition of a \$25.00 citation fee when a citation is issued to a Commission-jurisdictional motor carrier. La. R.S. 45:166(A) permits the Commission to amend, suspend, or revoke a certificate, in whole or in part, if, after notice and hearing, it is determined that the motor

³ La. R.S. 45:161.

⁴ La. R.S. 45:163(A).

⁵ La. R.S. 45:162(12).

⁶ *See*, La. R.S. 45:162(5)(a).

⁷ *General Order* dated June 7, 2006, Louisiana Public Service Commission, *ex parte* (*In re: Revisions to the Transportation Bond Schedule and Transportation Fee Schedule*).

carrier has failed to comply with relevant statutory requirements or any lawful Commission order, rule, or regulation.

The Commission Staff's Case

The Commission Staff alleges that the Carrier failed to file its 2024 Annual Report and seeks an order from this Commission: 1) finding that the Carrier is guilty of violating General Order No. 2 and the 2021 General Order for failing to file its 2024 Annual Report; 2) canceling the Carrier's Common Carrier Certificate No. 8608 pursuant to La. R.S. 45:166(A); and, 3) requiring the Carrier to pay a \$500.00 late fee per the 2021 General Order and a \$25.00 citation fee per the 2006 General Order. In support of its allegations, the Commission Staff presented the testimony of Tammy Burl.

Testimony of Tammy Burl

Ms. Burl is the Transportation Administrator in the Commission's Transportation Division. She oversees the personnel and day-to-day operations of the Transportation Division, including Annual Report filing compliance for regulated motor carriers. Ms. Burl explained the Commission's annual reporting process for motor carriers, including the requirement that carriers operating on a calendar year-end basis must file an Annual Report with the Commission on or before April 30th each year. Ms. Burl testified to her knowledge of the Commission's General Orders applicable to Annual Reports. Ms. Burl also testified that a regulated motor carrier is notified of the annual reporting requirements when the Commission initially issues its certificate and via a courtesy mailing of the Commission's annual reporting requirements every November.

According to Ms. Burl, the Carrier is regulated by the LPSC and was required to submit its Annual Report for 2024 on or before April 30, 2025. Ms. Burl testified that the Carrier submitted an incomplete Annual Report on March 10, 2025. Ms. Burl identified a letter dated March 11, 2025, that she prepared and mailed to the Carrier at its address on file via United States Postal Service ("USPS") regular mail. Ms. Burl explained that the letter notified the Carrier that the Annual Report it submitted was being rejected as incomplete, specified the deficiencies of the Annual Report, and that it was being returned to them. Additionally, the letter advised that the completed Annual Report must be submitted on or before the April 30, 2025 deadline or a \$500.00 late fee would be assessed to the Carrier. Per Ms. Burl, the letter was not returned as undeliverable for any reason.

Ms. Burl stated that the Carrier never submitted a corrected, complete Annual Report. Therefore, on May 15, 2025, she prepared a tentative hearing letter bearing her signature, which her staff mailed to the Carrier via USPS mail to the Carrier's address on file with the Commission. Ms. Burl explained that the letter advised the Carrier that a hearing had been tentatively scheduled for August 12 or 13, 2025, and if the Carrier did not submit its 2024 Annual Report and pay the \$500.00 late fee on or before June 16, 2025, the Commission would issue a citation. Ms. Burl stated that the tentative hearing letter was not returned to the Commission by the USPS as undeliverable.

Ms. Burl testified that the Commission did not receive the Carrier's 2024 Annual Report after mailing the tentative hearing letter. Thus, Transportation Division staff, under Ms. Burl's supervision, prepared a citation for her signature and mailed it to the Carrier on July 3, 2025. Per Ms. Burl, the citation was mailed via USPS regular mail and certified mail return receipt requested to the Carrier's address on file with the Commission. Attached to the citation was a copy of the rejection and tentative hearing letters mailed previously. Ms. Burl stated that the citation directs the Carrier to appear at a hearing before the Commission on August 12, 2025, and advises that a \$25.00 citation fee has been assessed to its account. Additionally, an order may be issued canceling its authority and ordering payment of the \$500.00 late fee. Ms. Burl confirmed that notice of this proceeding was published in the Commission's *Official Bulletin*.

Ms. Burl testified that the citation sent by certified mail was delivered to the Carrier. She identified a USPS certified mail return receipt for receipt number ending in 616650 bearing a signature and printed name, which was stamped received by the Transportation Division on July 24, 2025. Ms. Burl noted that the receipt number matched that on the citation. Ms. Burl stated further that the copy of the citation sent via USPS regular mail was not returned to the Commission as undeliverable.

According to Ms. Burl, as of the date of the hearing, the Carrier had not submitted a corrected 2024 Annual Report, the \$500.00 late fee, documents to close its authority with the Commission, or any change of address notice. Ms. Burl reiterated the Commission Staff's requested relief in this matter.

In connection with her testimony, Ms. Burl identified the following documents, which were admitted:

Staff Exhibit 1 Correspondence on Commission letterhead dated March 11, 2025, bearing the signature of Tammy Burl, Transportation

Administrator, Louisiana Public Service Commission, to Equipment Transport, LLC of Pennsylvania, “Re: REJECTED INCOMPLETE 2024 MOTOR CARRIER ANNUAL REPORT LPSC 8608.”

- Staff Exhibit 2 Correspondence on Commission Transportation Division letterhead dated May 15, 2025, bearing the electronic signature of Tammy Burl, Transportation Administrator, Louisiana Public Service Commission, to Equipment Transport, LLC of Pennsylvania, “Re: FAILURE TO FILE 2024 MOTOR CARRIER ANNUAL REPORT.”
- Staff Exhibit 3, *in globo* The citation issued to Equipment Transport, LLC of Pennsylvania with a mailout date of July 3, 2025, marked with certified mail receipt number 9589 0710 5270 1532 6166 50 and copies of the March 11, 2025 and May 15, 2025 letters (Staff Exhibits 1 and 2). And,
- Staff Exhibit 4 The front and back of a USPS certified mail return receipt for receipt number 9589 0710 1532 6166 50 addressed to Equipment Transport, LLC of Pennsylvania bearing a signature and a printed name in the “Complete This Section on Delivery” section and stamped received by the Transportation Division on July 24, 2025.

Findings of Fact and Conclusions of Law

From the testimony and evidence presented at the hearing, we make the following findings of fact and conclusions of law:

Findings of Fact

1. The Carrier is a regulated motor carrier, currently holds Common Carrier Certificate No. 8608, and operates on a calendar year-end basis.
2. On March 11, 2025, Commission Staff sent a letter to the Carrier at its address on file with the Commission advising that the Carrier’s Annual Report, received on March 10, 2025, was incomplete, specifying the deficiencies, and stating that it was being rejected and returned to the Carrier. The letter instructs the Carrier to submit a complete Annual Report before April 30, 2025; otherwise, a \$500.00 late fee would be assessed.
3. On May 15, 2025, the Commission Staff sent a letter to the Carrier advising that it did not file its 2024 Annual Report and that a \$500.00 late fee was assessed to its account. This letter further advises that the Carrier had been tentatively scheduled to appear at a hearing on August 12 or August 13, 2025, and instructs the Carrier to file its 2024 Annual Report and pay the \$500.00 late fee by June 16, 2025. Otherwise, the Carrier would be issued a citation requiring it to appear at a hearing and be assessed a \$25.00 citation fee.
4. On July 3, 2025, the Commission Staff mailed a citation to the Carrier directing the Carrier to appear at a hearing on August 12, 2025, to defend against the cancellation of its certificate and the requirement to pay a \$500.00 late filing fee and a \$25.00 citation fee. Copies of the March 11, 2025 and May 15, 2025 letters were attached to the citation. Notice of the citation was published in the Commission’s *Official Bulletin* dated July 3, 2025.
5. The citation was sent by USPS certified mail (receipt number 9589 0710 5270 1532 6166 50), return receipt requested, and regular mail to the Carrier’s address on file with the Commission.
6. On July 24, 2025, the Commission received the signed certified mail receipt for the citation sent by certified mail (receipt number 9589 0710 5270 1532 6166 50).

7. The Carrier did not appear at the hearing. As of the date of the hearing, the Carrier had not submitted its 2024 Annual Report, the \$500.00 late filing fee, a change of address notice, or documents to relinquish the authority granted by its common carrier certificate.

Conclusions of Law

1. At the hearing, the Commission Staff had the burden of proving its allegations against the Carrier. Because the Carrier did not appear at the hearing, the Commission Staff also had the burden of demonstrating that the Carrier was provided fair notice of the hearing and the opportunity to present a defense. La. R.S. 45:166 provides that a certificate may be revoked “after *notice and hearing* for failure to comply with any provision of R.S. 45:161 through 45:172, or with any lawful order, rule or regulation of the commission.” (Emphasis added).
2. Pursuant to its constitutional and statutory authority, the Commission has adopted the *Rules of Practice and Procedure*. Pertinent to this proceeding, Commission Rules 7 and 19 provide for notice of non-criminal proceedings through publication in the Commission’s *Official Bulletin*, as well as through service “through any means whereby proof of receipt or unclaimed status can be shown” to “the last known place of address of the person entitled to receive such notice”⁸
3. Pursuant to constitutional and legislative mandate, and Commission Orders adopted pursuant thereto, the Commission has the authority to regulate motor carriers. The Commission has directed through its General Order No. 2 and the 2021 General Order that regulated motor carriers file Annual Reports with the Commission, and that a carrier be assessed a \$500.00 late fee if its Annual Report is not timely filed. La. R.S. 45:166 permits the Commission to revoke a certificate if it is determined that the carrier has failed to comply with the statutory requirements or Commission rules and regulations.
4. The Commission Staff demonstrated through documentary and testimonial evidence, chiefly the signed certified mail return receipt for certified mail tracking number 9589071052701532616650, that the Carrier received notice of the hearing and the Commission Staff’s allegations. Thus, the Carrier had the opportunity to appear and present a defense.
5. In this proceeding, the Commission Staff has established through testimonial and documentary evidence that the Carrier failed to file a completed Annual Report for 2024, due April 30, 2025, and pay the \$500.00 late fee.
6. We conclude that the Carrier’s failure to file an Annual Report for 2024 and pay the \$500.00 late fee constitutes a failure to comply with General Order No. 2 and the 2021 General Order. Thus, cancellation of the Carrier’s Common Carrier Certificate is appropriate pursuant to La. R.S. 45:166.
7. The 2006 General Order allows the Commission to impose a \$25.00 fee for the issuance of a citation. Therefore, it is appropriate to require the Carrier to pay the \$25.00 citation fee.

Conclusion

In accordance with the findings of fact and conclusions of law stated above,

IT IS ORDERED that Common Carrier Certificate No. 8608, currently issued to Equipment Transport, LLC of Pennsylvania, is CANCELED due to the failure of Equipment Transport, LLC of Pennsylvania to file its Annual Report for the 2024 calendar year; and

⁸ *Special Order No. 72-2021*, dated November 22, 2021, Louisiana Public Service Commission, ex parte, *In re: Possible implementation of Interim Rule 7 of the Commission’s Rules of Practice and Procedure (Service of Process) and possible revision to the Commission’s Rules*.

IT IS FURTHER ORDERED that Equipment Transport, LLC of Pennsylvania pay a \$500.00 late fee and a \$25.00 citation fee to the Commission.

BY ORDER OF THE COMMISSION
BATON ROUGE, LOUISIANA
September 10, 2025



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

BRANDON M. FREY
SECRETARY

/S/ MIKE FRANCIS
DISTRICT IV
CHAIRMAN MIKE FRANCIS

/S/ ERIC F. SKRMETTA
DISTRICT I
VICE CHAIRMAN ERIC F. SKRMETTA

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

/S/ DAVANTE LEWIS
DISTRICT III
COMMISSIONER DAVANTE LEWIS

/S/ JEAN-PAUL P. COUSSAN
DISTRICT II
COMMISSIONER JEAN-PAUL P. COUSSAN