

LOUISIANA PUBLIC SERVICE COMMISSION

ORDER NUMBER T-37219

DOUBLE L CONTRACTORS, LLC
EX PARTE

Docket No. T-37219, In re: Application for a Common Carrier Certificate of non-hazardous oilfield waste, non-hazardous industrial solid waste and hazardous waste for disposal, statewide.

(Decided September 27, 2024.)

ORDER

Background

Double L Contractors, LLC (“DLC”, the “Applicant” or the “Company”) filed an application (“Application”) with attachments on June 4, 2024, seeking from the Louisiana Public Service Commission (“LPSC” or “Commission”) a common carrier certificate authorizing it to transport 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 June 7, 2024, for a 15-day intervention period. On August 12, 2024, DLC filed an amended application with attachments (“Amended Application”). Notice of the Amended Application was published in the Commission’s *Official Bulletin* on August 16, 2024, for a 15-day intervention period. No interventions were filed during either intervention period.

At a status conference on July 9, 2024, representatives of the Applicant and the Commission Staff agreed to the procedural schedule included in the *Report of Status Conference* issued on the same day. On August 8, 2024, Double L Contractors filed an *Unopposed Motion to Continue Hearing and Reset Procedural Schedule* requesting an extension for filing deadlines and a hearing on August 26, 2024. A ruling granting this motion was issued on August 12, 2024. Pursuant to the revised schedule, Commission Staff and Double L Contractors filed pre-hearing statements on September 10, 2024. As there are no intervenors and Commission Staff supports the Application, 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(B) of the Constitution provides, in part:

[t]he [C]ommission 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 was convened on September 18, 2024, at which DLC and the Commission Staff appeared through counsel.

Testimony and Evidence Presented by the Applicant

In support of its Application, DLC presented the testimonies of Lee Lewis, Carla Castaneda, and Deonna Summers.

Testimony of Lee Lewis

Mr. Lee testified that he oversees the day-to-day operations as President of DLC and that DLC is a wholly owned subsidiary of DLC Holding Services, Inc., which is owned by Mr. Lee and his wife, Evelyn Lewis, in equal shares. Mr. Lee testified that he has been employed with DLC since its inception in 2017. Mr. Lee testified that DLC was formed as a Texas limited liability company on June 6, 2017, with its office and sole terminal located in Carthage, Texas.

Mr. Lee explained that the Applicant operates in both Texas and Louisiana. DLC currently holds LPSC authority to transport saltwater through Common Carrier Certificate No. 8601. DLC is an oil field contractor whose work consists of roustabout, restraint, anchor, and pad building services, along with saltwater hauling. The Company has 91 employees, 12 of whom are drivers. The Company intends to hire more drivers if the requested authority is granted.

Mr. Lee testified that the Company has purchased additional trucks since preparing the Application. He testified that all the equipment is in excellent condition and that new equipment is typically used first. Nearly all of the equipment is owned free of encumbrances.

Mr. Lee addressed the Applicant's maintenance policies and practices, including pre- and

post-trip inspections and maintenance schedules. Regular maintenance is performed by in-house mechanics, whereas major repairs and warranty work are performed by the truck's manufacturer. Mr. Lee provided that all equipment used by the Applicant for LPSC-regulated waste transportation is in good working order, and the Applicant plans to equip its trucks with GPS and front-facing cameras. The Applicant's trucks are governed to a speed of 70 miles per hour.

Mr. Lee testified that the Applicant is financially able to provide safe and efficient transportation of waste, and there are no financial factors that would limit that ability. He identified the Company's financial statements and testified that he is willing and able to contribute capital if needed. According to Mr. Lee, DLC is financially stable, has not filed for bankruptcy, has had no issues meeting payroll, and has not been subject to a tax audit. However, the Company received extensions to file its 2022 and 2023 taxes and is working to keep the tax filings current.

Mr. Lee testified regarding DLC's regulatory compliance, confirming that it is in good standing with the Louisiana Office of the Secretary of State and all applicable state and federal regulatory agencies. Further, Mr. Lee confirmed his understanding of and intention to comply with all Commission rules and regulations including the requirements to file annual reports, pay inspection and supervision fees, and maintain current insurance documents on file with the Commission. Mr. Lee indicated that the Applicant has or is willing to acquire the necessary permits, equipment, finances, and personnel for the transportation of LPSC-regulated waste in a safe, efficient, and LPSC-compliant manner.

Testimony of Carla Castaneda

Ms. Castaneda is the Human Resources and Health, Safety, and Environmental ("HSE") Manager for DLC and has been employed by the Applicant since October 2023. She testified regarding the Applicant's driver hiring, training, and compensation. Driver applicants must complete prerequisites including motor vehicle and criminal background checks and a drug and alcohol screening. The Company requires its drivers to have at least three years of commercial driving experience. Ms. Castaneda stated that all new driver hires undergo a driving test with a supervisor before driving on their own.

Ms. Castaneda discussed the Applicant's HSE Manual and stated that it is provided to all employees who must sign an acknowledgment that it has been provided. Ms. Castaneda detailed the Applicant's drug, alcohol, and cell phone policies. Additionally, Ms. Castaneda testified that DLC conducts daily, weekly, and monthly safety meetings and she discussed some of the topics

discussed at those meetings. According to Ms. Castaneda, the Applicant has satisfactory ratings with Veriforce and ISNetworld safety networks. Ms. Castaneda identified proof of insurance for the Applicant and confirmed that the policies insure all of its equipment and drivers, meet or exceed the minimum requirements, and will be renewed on or before expiration.

Testimony of Deonna Summers

Ms. Summers is the DOT Manager for DLC and has been employed by the Company since February 2024. She identified the Applicant's saltwater hauling permit issued by the LPSC and a waste hauling permit issued by the Railroad Commission of Texas. Further, Ms. Summers confirmed that the Applicant is in good standing with the US Department of Transportation. Ms. Summers stated that the Applicant is willing and able to obtain all the necessary authorizations by all regulatory authorities for the transportation of waste for disposal.

In connection with the above testimonies, the following exhibits were admitted:

Exhibit 1, <i>in globo</i>	A copy of the <i>Waste by Motor Vehicle Application</i> filed by Double L Contractors, LLC on June 4, 2024, with public attachments.
Exhibit 2	A copy of an Entity Structure list for Double L Contractors, LLC.
Exhibit 3, <i>in globo</i>	A copy of the amended <i>Waste by Motor Vehicle Application</i> filed by Double L Contractors, LLC on August 12, 2024, with public attachments.
Exhibit 4	A copy of a Key Personnel list dated 9/18/24 for Double L Contractors, LLC.
Exhibit 5, <i>in globo</i>	Copies of the following financial documents for Double L Contractors, LLC (admitted confidentially under seal): <ul style="list-style-type: none">• Profit and Loss Statement and Balance Sheet, January - April 2024,• Profit and Loss Statement and Balance Sheet, January - December 2023, and• Profit and Loss Statement and Balance Sheet, January – December 2022.
Exhibit 6	A copy of HSE Manual for Double L Contractors, LLC (admitted on a flash drive)
Exhibit 7	Copies of the <i>Safety Policies Addendum[s]</i> for Double L Contractors, LLC.
Exhibit 8	A copy of the Federal Motor Carrier Safety Administration <i>Company Snapshot</i> for Double L Contractors Energy, LLC for the 24 months prior to September 17, 2024.

Commission Staff's Position

The Commission Staff expressed its support for the Application in its pre-hearing statement and confirmed at the hearing that there are no LPSC regulatory issues with DLC and that it supports the Application.

Conclusion

Having considered the Application of DLC, 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 laws, we find that DLC has established its fitness to operate and that a common carrier certificate should be issued to the Applicant as requested.

Accordingly, **IT IS ORDERED** that Double L Contractors, LLC be issued a common carrier certificate authorizing operation 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 Double L Contractors, LLC 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
October 1, 2024



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/ DAVANTE LEWIS

DISTRICT III
VICE CHAIRMAN DAVANTE LEWIS

/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