

LOUISIANA PUBLIC SERVICE COMMISSION

ORDER NO. T-33634

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

In re: Alleged violation of La. R.S. 45:161 through 180.1, as amended, by operating beyond the scope of authority granted in Common Carrier Certificate Number 5917-A on two-hundred fifteen counts; allegedly occurring on or about April 21, 2014, through September 30, 2014.

(Decided at the July 22, 2015 Business and Executive Meeting)

Background

As part of a Louisiana Public Service Commission (“LPSC” or “Commission”) Transportation Division investigation, Staff reviewed the waste transportation manifests of Roy Bailey Construction, Inc. (“Roy Bailey”). Staff determined that Roy Bailey transported non-hazardous oilfield waste from parishes in which it was not authorized and in vehicles in which it was not authorized. Consequently, Staff cited Roy Bailey for operating beyond the scope of authority on 215 counts.

Jurisdiction

The Commission exercises jurisdiction over common carriers in Louisiana pursuant to Article IV, Section 21(B) of the Louisiana Constitution, which states:

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.

Additionally, La. R.S. 45:164 requires motor carriers of waste to obtain a common carrier certificate or contract carrier permit prior to operating as a common carrier.

Staff Review

Staff recommended that the Commission approve an Affidavit and Stipulation in which Roy Bailey agreed to plead guilty on two-hundred thirteen counts and pay a fine, with the two remaining counts of the two-hundred fifteen counts being dismissed. The Affidavit and Stipulation included the following fines and payment plan:

- 1) for the suspended amount in docket T-32840, pay the suspended fine of \$17,500.00,
- 2) for 104 counts (Roy Bailey trucks) a fine of \$52,000.00 with \$22,000.00 suspended, and
- 3) for 109 counts (owner/operators) a fine of \$54,500.00 with \$44,500.00 suspended.

Payment Plan

July 22, 2015 - executed Affidavit and Stipulation and \$25,025.00
August 15, 2015 - \$6,500.00

September 15, 2015 - \$6,500.00
October 15, 2015 - \$6,500.00
November 15, 2015 - \$6,500.00
December 15, 2015 - \$6,500.00

Commission Action

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 Holloway, and unanimously adopted, the Commission voted to approve the Affidavit and Stipulation signed by the carrier with the condition that if any payments are not made, the certificate is immediately suspended and the carrier must seek re-instatement through the Administrative Hearings Division.

IT IS THEREFORE ORDERED:

The Affidavit and Stipulation signed by the carrier is accepted. If any payments are not made, the certificate is immediately suspended and the carrier must seek re-instatement through the Administrative Hearings Division.

This order is effective immediately.

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

July 27, 2015



**EVE KAHAO GONZALEZ
SECRETARY**

/S/ CLYDE C. HOLLOWAY

**DISTRICT IV
CHAIRMAN CLYDE C. HOLLOWAY**

/S/ SCOTT A. ANGELLE

**DISTRICT II
VICE CHAIRMAN SCOTT A. ANGELLE**

/S/ FOSTER L. CAMPBELL

**DISTRICT V
COMMISSIONER FOSTER L. CAMPBELL**

/S/ LAMBERT C. BOISSIERE

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

/S/ ERIC F. SKRMETTA

**DISTRICT I
COMMISSIONER ERIC F. SKRMETTA**