

**TRANSCRIPT OF THE LOUISIANA PUBLIC SERVICE COMMISSION
TRANSPORTATION CITATION HEARINGS HELD ON AUGUST 21, 2024, IN BATON
ROUGE, LOUISIANA BEFORE ADMINISTRATIVE LAW JUDGE MELISSA FREY.**

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1 **TRANSCRIPT OF THE LOUISIANA PUBLIC SERVICE COMMISSION**
2 **TRANSPORTATION CITATION HEARINGS HELD ON AUGUST 21,**
3 **2024, IN BATON ROUGE, LOUISIANA BEFORE ADMINISTRATIVE**
4 **LAW JUDGE MELISSA FREY.**

5 **ADMINISTRATIVE LAW JUDGE MELISSA FREY:** Good morning. Today
6 is Wednesday, August 21, 2024. I'm Administrative Law Judge Melissa Frey. We
7 are here this morning for transportation citation hearings. There are 29 matters on
8 the docket this morning.

9

10 **DOCKET NO. T-37244**

11 **JUDGE FREY:** The first matter I am going to call this morning is Docket Number
12 T-37244 - Louisiana Public Service Commission versus American Environmental
13 & Industrial Services LLC. In re: Cancellation of Common Carrier Certificate
14 Numbers 8334 and 8333 for failure to file an annual report for 2023 and/or pay a
15 late filing fee of \$500 and a citation fee of \$25 as required by General Order 2 dated
16 July 1, 1921 and General Order dated March 18, 2021. Would the parties present
17 please make their appearances with the record, starting with Commission Staff?

18 **MR. PAUL RACHAL:** Paul Rachal on behalf of Commission Staff.

19 **JUDGE FREY:** And you, gentlemen?

20 **MR. RYAN TORRES:** Ryan Torres on behalf of American Environmental
21 Industrial Services.

22 **MR. WESLEY ROGERS:** Wesley Rogers on behalf of American Environmental
23 Industrial Services.

1 **JUDGE FREY:** And how does Staff plan to move forward with this matter this
2 morning?

3 **MR. RACHAL:** Your Honor, Staff requests a motion to continue to October 3rd.

4 **JUDGE FREY:** Now, is this a Staff motion or a joint motion on behalf of both
5 Staff and American Environmental?

6 **MR. TORRES:** Joint motion.

7 **JUDGE FREY:** Okay.

8 **MR. RACHAL:** Joint motion, Your Honor.

9 **JUDGE FREY:** All right. So Staff and American Environmental desire to
10 continue this matter to October 3, 2024. Gentlemen, do you understand that this is
11 a motion to continue, so this hearing will be rescheduled, a notice will be issued,
12 and unless and until something comes out official from the Court that says
13 otherwise, you would need to be here for the hearing on October 3rd in this room?

14 **MR. TORRES:** Yes, Your Honor.

15 **MR. ROGERS:** Yes, Your Honor.

16 **JUDGE FREY:** Okay. So a ruling on the motion to continue and a notice of
17 rescheduling the hearing in this matter to October 3, 2024 at 9:30 will be issued. Is
18 there anything else we need to discuss on this matter?

19 **MR. RACHAL:** Nothing from Staff, Your Honor.

20 **MR. TORRES:** Nothing from American Environmental.

21 **JUDGE FREY:** All right. Thank you, gentlemen. If there is nothing further, this
22 matter is adjourned.

1 **JUDGE FREY:** I'm sorry. Representatives did sign in; is that correct? All right.
2 I got head nods from the Commission Staff. All right. So thank you.
3
4 **DOCKET NO. T-37239**
5 **JUDGE FREY:** The next matter on the docket this morning is Docket Number T-
6 37239 - Louisiana Public Service Commission versus 1st Towing and Storage,
7 LLC. In re: Cancellation of Common Carrier Certificate Number 8382-A for
8 failure to file an annual report for 2023 and/or pay a late filing fee of \$500 and a
9 citation fee of \$25 as required by General Order 2 dated July 1, 1921 and General
10 Order dated March 18, 2021. Would the parties present please make your
11 appearances for the record?
12 **MR. RACHAL:** Paul Rachal on behalf of Staff.
13 **JUDGE FREY:** Let the record reflect that there is no one present on behalf of 1st
14 Towing and Storage, LLC. How does Staff plan to move forward with this matter
15 this morning?
16 **MR. RACHAL:** We are moving forward, Your Honor.
17 **JUDGE FREY:** All right. You may proceed.
18 **MR. RACHAL:** Thank you, Your Honor. Your Honor, Staff is prepared to prove
19 through both documentary and testimonial evidence that the carrier cited in this
20 docket, 1st Towing and Storage, LLC, failed to file an annual report for the year
21 2023 as required by General Order 2 dated July 1, 1921 and General Order dated
22 March 18, 2021. As a result of that failure and at the conclusion of this hearing,
23 Staff will request that the carrier be found guilty of the aforementioned violation,

1 that its Common Carrier Certificate Number 8382-A be cancelled, that a \$500 late
2 fee be assessed to the carrier, as well as a \$25 citation fee. We would like to call
3 our only witness, Ms. Tammy Burl.

4 **Tammy Burl came forth as a witness; and, after having been duly sworn,**
5 **testified as follows:**

6 **DIRECT EXAMINATION BY MR. PAUL RACHAL**

7 **MR. RACHAL:** Good morning. Can you please state your name and business
8 address for the record?

9 **MS. TAMMY BURL:** Tammy Burl. 602 North 5th Street, Baton Rouge,
10 Louisiana 70802.

11 **MR. RACHAL:** And by whom are you employed?

12 **MS. BURL:** The Louisiana Public Service Commission.

13 **MR. RACHAL:** And what is your job title at the LPSC?

14 **MS. BURL:** I'm the Transportation Administrator. I oversee the day-to-day
15 operations of the division, which includes the filing of -- those companies that we
16 regulate, their annual reports, insurance, inspection and supervision fees, renewals,
17 and so forth.

18 **MR. RACHAL:** And which LPSC orders require carriers to file annual reports?

19 **MS. BURL:** The General Order Number 2 dated July 1, 1921 and the General
20 Order dated March 18, 2021.

21 **MR. RACHAL:** And which Commission order authorizes the assessment of a
22 \$500 late filing fee when carriers do not timely file annual reports?

23 **MS. BURL:** The General Order dated June 7, 2006.

1 **MR. RACHAL:** And which Commission order authorizes the \$25 citation fee
2 against a cited carrier?

3 **MS. BURL:** Apologies. I was answering one too quick. So the Commission's
4 General Order dated March 18, 2021 assesses the late fee and the General Order
5 dated June 7, 2006 assesses the \$25 citation fee.

6 **MR. RACHAL:** And when are carriers required to file annual reports with the
7 Commission?

8 **MS. BURL:** If the carrier files on a calendar basis, their annual report is due April
9 30th each year. If they file on a fiscal year end, it is due 120 days after the last day
10 of their fiscal year.

11 **MR. RACHAL:** And how are carriers notified of the requirement to file annual
12 reports with the Commission?

13 **MS. BURL:** We provide a courtesy copy of the annual report in our annual
14 mailings each year, but when a company's authority is granted, we also let them
15 know that annual reports are required to be filed with the Commission.

16 **MR. RACHAL:** And what statute gives the Commission authority to cancel a
17 motor carrier's authority?

18 **MS. BURL:** I believe it is 45:160. I don't have it in front of me, but I think it's --

19 **MR. RACHAL:** Is it Title 45:166?

20 **MS. BURL:** Yes, Title 45:166.

21 **MR. RACHAL:** Are you familiar with the carrier cited in this docket?

22 **MS. BURL:** Yes.

1 **MR. RACHAL:** Is the carrier regulated by the LPSC under Common Carrier
2 Certificate Number 8382-A?
3 **MS. BURL:** Yes, they are.
4 **MR. RACHAL:** And does this carrier file annual reports on a calendar year basis?
5 **MS. BURL:** Yes.
6 **MR. RACHAL:** So when would this particular carrier's annual report be due?
7 **MS. BURL:** April, 30th. The 2023 annual report is due April 30, 2024.
8 **MR. RACHAL:** And was this carrier mailed a courtesy annual compliance notice
9 detailing how and by when to file annual reports with the Commission?
10 **MS. BURL:** Yes.
11 **MR. RACHAL:** And did this carrier submit an annual report for the Year 2023?
12 **MS. BURL:** No, they did not.
13 **MR. RACHAL:** You have a document before you, which has been marked as
14 Staff Exhibit 1. Do you recognize this document?
15 **MS. BURL:** Yes, I do.
16 **MR. RACHAL:** And what is this document?
17 **MS. BURL:** This is the tentative hearing letter from the Commission's
18 Transportation Division to 1st Towing and Storage, LLC.
19 **MR. RACHAL:** And when did the Commission send this document?
20 **MS. BURL:** It was mailed May 15, 2024.
21 **MR. RACHAL:** And what is the carrier's address on that document?
22 **MS. BURL:** 3600 Empress Street, New Orleans, Louisiana 70126.

1 **MR. RACHAL:** And is this the same address on file with the Commission for the
2 carrier?

3 **MS. BURL:** Yes, it is.

4 **MR. RACHAL:** And what does this document indicate?

5 **MS. BURL:** It indicates that, as of the date of the letter, we had not received the
6 carrier's annual report, that a late fee of \$500 had been assessed to their account,
7 and if they did not file the annual report and the \$500 late fee by June 14, 2024,
8 they would be cited to schedule at -- appear at a hearing for either the 21st or 22nd
9 of August.

10 **MR. RACHAL:** And is your signature on the tentative hearing letter?

11 **MS. BURL:** Yes.

12 **MR. RACHAL:** Did you prepare this tentative hearing letter for mailing and mail
13 it to the carrier?

14 **MS. BURL:** This letter is automatically generated from our database, but it was
15 mailed by my previous Staff member.

16 **MR. RACHAL:** And did the U.S. Postal Service return the letter admitted as --
17 did the U.S. Postal Service return the letter as undeliverable for any reason?

18 **MS. BURL:** No, they did not.

19 **MR. RACHAL:** Your Honor, Staff moves to offer, file, introduce into evidence
20 as Staff Exhibit 1, the tentative hearing letter sent to the carrier.

21 **JUDGE FREY:** Staff Exhibit 1 is admitted.

22 **MR. RACHAL:** Thank you. And how was this letter sent?

23 **MS. BURL:** It was sent by the regular USPS postal mail.

1 **MR. RACHAL:** And after the tentative hearing letter was sent, did the carrier
2 timely file its annual report for the Year 2023?

3 **MS. BURL:** No, they did not.

4 **MR. RACHAL:** And after the carrier's failure to file the annual report, what action
5 did the Transportation Division take next?

6 **MS. BURL:** We proceeded to issue a citation to the carrier.

7 **MR. RACHAL:** Okay. You have a document before you, which has been marked
8 as Staff Exhibit 2. Do you recognize this document?

9 **MS. BURL:** Yes, I do.

10 **MR. RACHAL:** And what is this document?

11 **MS. BURL:** This is a copy of the citation that was issued to 1st Towing and
12 Storage, LLC.

13 **MR. RACHAL:** And when did the Commission send this document?

14 **MS. BURL:** It was mailed on July 3, 2024.

15 **MR. RACHAL:** Is that the same address on file with the Commission for the
16 carrier?

17 **MS. BURL:** Yes, it is.

18 **MR. RACHAL:** And is this your signature on the citation?

19 **MS. BURL:** Yes.

20 **MR. RACHAL:** And did you prepare this citation for mailing and mail it to the
21 carrier?

22 **MS. BURL:** It was prepared by my Staff for my signature and mailed by my
23 previous employee.

1 **MR. RACHAL:** And were there any documents attached to this letter?

2 **MS. BURL:** Yes, the tentative hearing letter.

3 **MR. RACHAL:** And did the citation provide the carrier notice that a citation fee

4 in the amount of \$25 had been assessed to the carrier's account?

5 **MS. BURL:** Yes, it did.

6 **MR. RACHAL:** And did the citation provide the carrier notice that an order may

7 be issued by the Commission cancelling the carrier's common carrier certificate

8 number for failure to file an annual report for 2023 and requiring the carrier to pay

9 a late filing fee of \$500?

10 **MS. BURL:** Yes, it did.

11 **MR. RACHAL:** And what was the hearing date, time, and location provided in

12 the citation?

13 **MS. BURL:** The hearing was for Wednesday, August 21, 2024 at 9:30 A.M. here

14 in the Galvez Building of the Public Service Commission.

15 **MR. RACHAL:** And was notice of the citation published and available to the

16 general public in the Commission's Official Bulletin?

17 **MS. BURL:** Yes, it was.

18 **MR. RACHAL:** Your Honor, Staff moves to offer, file, introduce into evidence

19 the citation, Exhibit 2, with its attachments, in globo.

20 **JUDGE FREY:** Just for completeness, would you get the witness to testify as to

21 the attachment?

22 **MR. RACHAL:** Yes, Your Honor.

1 **MS. BURL:** The attachment on the back of the citation was a copy of the tentative
2 hearing letter sent on May 15, 2024.

3 **JUDGE FREY:** And this is being offered as an in globo exhibit, Mr. Rachal?

4 **MR. RACHAL:** Yes, Your Honor. Staff Exhibit 2, in globo.

5 **JUDGE FREY:** Staff Exhibit 2, in globo, the citation with attached copy of the
6 tentative hearing letter is admitted.

7 **MR. RACHAL:** Thank you, Your Honor. Once the citation was prepared, did
8 you mail the citation to the carrier?

9 **MS. BURL:** Yes, it was mailed to the carrier.

10 **MR. RACHAL:** And was the citation sent by certified mail with a return receipt
11 requested as well as by regular United States mail?

12 **MS. BURL:** Yes.

13 **MR. RACHAL:** And was the regular mail returned for any reason?

14 **MS. BURL:** No, it was not.

15 **MR. RACHAL:** And have you received a return receipt from the certified
16 mailing?

17 **MS. BURL:** Yes, we received a green card.

18 **MR. RACHAL:** You have in front of you a document marked as Staff Exhibit 3.
19 Do you recognize this document?

20 **MS. BURL:** Yes, this is a copy of the green card and the mail receipt.

21 **MR. RACHAL:** And what is the carrier's address on that document?

22 **MS. BURL:** 3600 Empress Street, New Orleans, Louisiana 70126.

23 **MR. RACHAL:** And is it the same address on file with the Commission?

1 **MS. BURL:** Yes.

2 **MR. RACHAL:** And is there a signature?

3 **MS. BURL:** Yes, there is.

4 **MR. RACHAL:** And is there a date next to the signature?

5 **MS. BURL:** Yes, July 10, 2024.

6 **MR. RACHAL:** And when did Staff receive the green card back?

7 **MS. BURL:** It appears -- it's kind of light, but it looks like July 17, 2024.

8 **MR. RACHAL:** And what is the docket number on the bottom of the green card?

9 **MS. BURL:** It is T-37239.

10 **MR. RACHAL:** Does the tracking number on the document, ending in 0548,

11 match the last four numbers of the certified mail receipt shown on the citation?

12 **MS. BURL:** Yes, it does.

13 **MR. RACHAL:** Did Staff receive -- excuse me. Staff moves to offer, file,

14 introduce into the evidence Staff Exhibit 3, the green card. Your Honor, you also

15 have the original copy for your inspection.

16 **JUDGE FREY:** I do have what has been marked as Staff Exhibit 3 and the original

17 certified mail return receipt and the exhibit marked as Staff Exhibit 3, which is the

18 front and the back, and it also appears to have a certified mail return receipt, which

19 I don't have the original of. But as far as the front and back of the certified mail

20 return receipt green card, it matches what has been offered as Staff Exhibit 3. Staff

21 Exhibit 3 is admitted.

1 **MR. RACHAL:** Thank you, Your Honor. At any point during this citation
2 process, has the carrier filed the appropriate documents to change its address on file
3 with the Commission?
4 **MS. BURL:** No.
5 **MR. RACHAL:** Have you been in contact with anyone representing the carrier
6 since the citation was mailed?
7 **MS. BURL:** No.
8 **MR. RACHAL:** As of today, has the carrier filed with the Commission its annual
9 report for the year 2023?
10 **MS. BURL:** No, they have not.
11 **MR. RACHAL:** And as of today, has a representative of the carrier filed the
12 appropriate documents to close its authority granted by the Commission?
13 **MS. BURL:** No, they have not.
14 **MR. RACHAL:** Is Staff seeking that the carrier be found guilty of failing to file
15 its 2023 annual report and that the Common Carrier Certificate Number 8382-A be
16 cancelled?
17 **MS. BURL:** Yes.
18 **MR. RACHAL:** And does Staff seek that the carrier be assessed and ordered to
19 pay a late filing fee in the amount of \$500?
20 **MS. BURL:** Yes.
21 **MR. RACHAL:** And does Staff seek that the carrier be assessed and ordered to
22 pay a citation fee in the amount of \$25?
23 **MS. BURL:** Yes.

1 **MR. RACHAL:** That is all the questions I have, Your Honor.

2 **JUDGE FREY:** Thank you. I just have a couple of follow up questions, Ms. Burl.

3 On what has been admitted as Staff Exhibit 3, I believe Mr. Rachal asked you if

4 there was a signature on the return receipt. Is there also a printed name on the

5 certified mail return receipt?

6 **MS. BURL:** Yes.

7 **JUDGE FREY:** And the signature, printed name, and date of delivery are all in

8 the Complete This Section on Delivery Section of the certified mail receipt?

9 **MS. BURL:** Yes.

10 **JUDGE FREY:** I have no further questions. Any follow up for Ms. Burl, Mr.

11 Rachal?

12 **MR. RACHAL:** No, Your Honor.

13 **JUDGE FREY:** You may proceed.

14 **MR. RACHAL:** Thank you, Your Honor. In closing, Your Honor, Commission

15 Staff submits that it has borne the burden of proving by documentary and testimony

16 evidence that 1st Towing and Storage, LLC violated Commission's General Order

17 2 dated July 1, 1921 and General Order dated March 18, 2021 by failing to submit

18 its annual report. As Ms. Burl indicated, Staff is seeking that the company be found

19 guilty of this violation and that the Common Carrier Certificate Number 8382-A be

20 cancelled and that the carrier be ordered to pay a \$500 late fee and a citation fee of

21 \$25.

22 **JUDGE FREY:** Thank you. If there is nothing further for this matter, this matter

23 is adjourned.

1 **DOCKET NO. T-37241**

2 **JUDGE FREY:** The next matter on the docket this morning is Docket Number T-
3 37241 - Louisiana Public Service Commission versus A-1 Wrecker Service, Inc.
4 In re: Cancellation of Common Carrier Certificate Number 6445 for failure to file
5 an annual report for 2023 and/or pay a late filing fee of \$500 and a citation fee of
6 \$25 as required by General Order 2 dated July 1, 1921 and General Order dated
7 March 18, 2021. Would the parties present please make their appearances for the
8 record?

9 **MR. RACHAL:** Paul Rachal on behalf of Staff.

10 **JUDGE FREY:** Let the record reflect that there is no one present on behalf of A-
11 1 Wrecker Service, Inc. How does the Staff plan to move forward this morning?

12 **MR. RACHAL:** Your Honor, Staff requests a motion to continue to September 5,
13 2024.

14 **JUDGE FREY:** A ruling on the motion to continue and a notice of rescheduling
15 the hearing in this matter to September 5, 2024 will be issued accordingly.
16

17 **DOCKET NO. T-37242**

18 **JUDGE FREY:** The next matter on the docket this morning is Docket Number T-
19 37242 - Louisiana Public Service Commission versus Alfred Jones LLC. In re:
20 Cancellation of Common Carrier Certificate Number 8490 for failure to file an
21 annual report for 2023 and/or pay a late filing fee of \$500 and a citation fee of \$25
22 as required by General Order 2 dated July 1, 1921 and General Order dated March
23 18, 2021. Would the parties present please make their appearances?

1 **MR. RACHAL:** Paul Rachal on behalf of Staff.

2 **JUDGE FREY:** Let the record reflect that there is no one present on behalf of
3 Alfred Jones LLC. And how does the Staff plan to move forward this morning?

4 **MR. RACHAL:** Your Honor, Staff plans to move forward.

5 **JUDGE FREY:** You may proceed, Mr. Rachal.

6 **MR. RACHAL:** Thank you, Your Honor. Your Honor, Staff is prepared to move
7 through both documentary and testimonial evidence that the carrier cited in this
8 docket, Alfred Jones LLC, failed to file an annual report for the year 2023 as
9 required by General Order 2 dated July 1, 1921 and General Order dated March 18,
10 2021. As a result of that failure and at the conclusion of this hearing, Staff will
11 request that the carrier be found guilty of the aforementioned violation and that its
12 Common Carrier Certificate Number 8490 be cancelled, that a \$500 late fee be
13 assessed to the carrier, as well as a \$25 citation fee. We would like to call our only
14 witness, Ms. Tammy Burl.

15 **Tammy Burl, after having been previously duly sworn, testified as follows:**

16 **DIRECT EXAMINATION BY MR. PAUL RACHAL**

17 **MR. RACHAL:** All right. Can you please state your name and business address
18 for the record?

19 **MS. BURL:** Tammy Burl. 602 North 5th Street, Baton Rouge, Louisiana 70802.

20 **MR. RACHAL:** And by whom are you employed?

21 **MS. BURL:** The Louisiana Public Service Commission as the Transportation
22 Administrator.

1 **MR. RACHAL:** And what are your job duties as Administrative Coordinator --
2 [INAUDIBLE]?

3 **MS. BURL:** As the Transportation Administrator, I oversee the day-to-day
4 operations of the division, which includes all the filings for regulated carriers such
5 as annual reports, insurance, inspection/supervision fees, and renewals.

6 **MR. RACHAL:** And which LPSC orders require carriers to file annual reports?

7 **MS. BURL:** The General Order dated -- General Order Number 2 dated July 1,
8 2021 and General Order dated March 18, 2021.

9 **MR. RACHAL:** And which Commission order authorizes the assessment of a
10 \$500 late filing fee when carriers do not timely file annual reports?

11 **MS. BURL:** The Commission's General Order dated March 18, 2021.

12 **MR. RACHAL:** And which Commission order authorizes assessing a \$25 citation
13 fee against a cited carrier?

14 **MS. BURL:** The General Order dated June 7, 2006.

15 **MR. RACHAL:** And when are carriers required to file annual reports with the
16 Commission?

17 **MS. BURL:** For a carrier that operates on a calendar year basis, it's April 30th each
18 year, and those carriers filing on a fiscal year, it's 120 days after the last day of their
19 fiscal year.

20 **MR. RACHAL:** And how are carriers notified of the requirement to file annual
21 reports with the Commission?

22 **MS. BURL:** When the carrier gets their authority, the Transportation Division
23 sends a letter giving them notice that annual reports are due, and then every year

1 we mail a courtesy copy to the carrier that has a blank annual report for the filing
2 of the annual report that year by the due date.

3 **MR. RACHAL:** And are you familiar with the carrier cited in this docket?

4 **MS. BURL:** Yes.

5 **MR. RACHAL:** Is the carrier regulated by the LPSC under the Common Carrier
6 Certificate Number 8490?

7 **MS. BURL:** Yes.

8 **MR. RACHAL:** And does the carrier file annual reports on a calendar year basis?

9 **MS. BURL:** Yes, they do.

10 **MR. RACHAL:** So when would this particular carrier's annual report be due?

11 **MS. BURL:** Their 2023 annual report would be due April 30, 2024.

12 **MR. RACHAL:** And was the carrier mailed a courtesy annual compliance notice
13 detailing how and by when to file annual reports with the Commission?

14 **MS. BURL:** Yes, they were.

15 **MR. RACHAL:** And did this carrier timely submit an annual report for the Year
16 2023?

17 **MS. BURL:** No, they did not.

18 **MR. RACHAL:** You have a document before you, which has been marked as
19 Staff Exhibit 1. Do you recognize this document?

20 **MS. BURL:** I do.

21 **MR. RACHAL:** What is this document?

22 **MS. BURL:** This is a copy of the tentative hearing letter that was sent to Alfred
23 Jones LLC on May 15, 2024.

1 **MR. RACHAL:** And what is the carrier's address on this document?

2 **MS. BURL:** It is 1620 Buccola Avenue, Marrero, Louisiana 70072.

3 **MR. RACHAL:** And is that the same address on file with the Commission?

4 **MS. BURL:** Yes.

5 **MR. RACHAL:** And what does this document indicate?

6 **MS. BURL:** It notifies the carrier that we did not receive their annual report on or
7 before the due date, that a late filing fee of \$500 had been assessed to their account,
8 and that if both the annual report and \$500 late fee were not received by June 14,
9 2024, they would be cited to appear at a hearing with the Commission.

10 **MR. RACHAL:** And is this your signature on the tentative hearing letter?

11 **MS. BURL:** Yes, it is.

12 **MR. RACHAL:** And did you prepare this tentative hearing letter for mailing and
13 mail it to the carrier?

14 **MS. BURL:** No. This letter is automatically generated from our database and it
15 was prepared and mailed by my previous Staff member.

16 **MR. RACHAL:** And did the U.S. Postal Service return the letter as undeliverable
17 for any reason?

18 **MS. BURL:** No, they did not.

19 **MR. RACHAL:** Your Honor, Staff moves to offer, file, and introduce into
20 evidence the Staff Exhibit 1, the tentative hearing letter sent to the carrier.

21 **JUDGE FREY:** Staff Exhibit 1 is admitted.

22 **MR. RACHAL:** Thank you, Your Honor. After the tentative hearing letter was
23 sent, did the carrier timely file its annual report for the year 2023?

1 **MS. BURL:** They did not.

2 **MR. RACHAL:** And after the carrier's failure to file its annual report, what action
3 did the Transportation Division take next?

4 **MS. BURL:** A citation was issued to the carrier.

5 **MR. RACHAL:** Okay. You have a document before you marked as Staff Exhibit
6 2. Do you recognize this document?

7 **MS. BURL:** Yes. This is a copy of the citation issued to Alfred Jones LLC.

8 **MR. RACHAL:** And when did the Commission send this document?

9 **MS. BURL:** It was mailed on July 3, 2024.

10 **MR. RACHAL:** And what is the carrier's address on this document?

11 **MS. BURL:** 1620 Buccola Avenue, Marrero, Louisiana 70072.

12 **MR. RACHAL:** And is this the same address on file with the Commission?

13 **MS. BURL:** Yes, it is.

14 **MR. RACHAL:** And is this your signature on the citation?

15 **MS. BURL:** Yes, it is.

16 **MR. RACHAL:** And did you prepare this citation for mailing and mail it to the
17 carrier?

18 **MS. BURL:** It was prepared by my Staff for my signature and they mailed it to
19 the carrier.

20 **MR. RACHAL:** And were there any documents attached to this letter?

21 **MS. BURL:** Yes, the tentative hearing letter dated May 15, 2024.

22 **MR. RACHAL:** And did the citation provide the carrier notice that a citation fee
23 in the amount of \$25 had been assessed to the carrier's account?

1 **MS. BURL:** Yes, it does.

2 **MR. RACHAL:** And did the citation provide the carrier notice that an order may
3 be issued by the Commission cancelling the carrier's common carrier certificate for
4 failure to file an annual report for 2023 and requiring the carrier to pay a late filing
5 fee of \$500?

6 **MS. BURL:** Yes.

7 **MR. RACHAL:** And what was the hearing -- what were the hearing date, time,
8 and location provided in the citation?

9 **MS. BURL:** The hearing was scheduled for Wednesday, August 21, 2024 at 9:30
10 A.M. in the Galvez Building here at the Louisiana Public Service Commission.

11 **MR. RACHAL:** And was notice of the citation published and available to the
12 general public in the Commission's Official Bulletin?

13 **MS. BURL:** Yes, it was.

14 **MR. RACHAL:** Your Honor, Staff moves to offer, file, introduce into evidence
15 Staff Exhibit 2, in globo, the citation with the tentative hearing letter as an
16 attachment.

17 **JUDGE FREY:** Staff Exhibit 2, in globo, is admitted.

18 **MR. RACHAL:** Thank you, Your Honor. Once the citation was admitted into
19 evidence -- was prepared, did you mail the citation to the carrier?

20 **MS. BURL:** It was mailed by my Staff.

21 **MR. RACHAL:** And was the regular mail returned for any reason?

22 **MS. BURL:** No, it was not.

1 **MR. RACHAL:** And was the citation sent by certified mail with a return receipt
2 requested as well as by regular U.S. mail?

3 **MS. BURL:** Yes.

4 **MR. RACHAL:** And have you received a return receipt from the certified
5 mailing?

6 **MS. BURL:** No.

7 **MR. RACHAL:** You have in front of you a document marked as Staff Exhibit 3.
8 Could you identify this document?

9 **MS. BURL:** Yes. This is a copy of the United States Postal Service printout
10 website showing the tracking number.

11 **MR. RACHAL:** And what does this document indicate?

12 **MS. BURL:** It indicates that the certified mail sent to the carrier was delivered and
13 left with an individual on July 11, 2024 at the Marrero, Louisiana 70072.

14 **MR. RACHAL:** And is this the same address that's on file with the Commission?

15 **MS. BURL:** Yes.

16 **MR. RACHAL:** And does the tracking number at the top, ending in 0524, match
17 the ending numbers on the citation?

18 **MS. BURL:** Yes.

19 **MR. RACHAL:** Your Honor, Staff moves to offer, file, and introduce into
20 evidence Staff Exhibit 3, the USPS tracking sheet.

21 **JUDGE FREY:** Staff Exhibit 3 is admitted.

1 **MR. RACHAL:** Thank you, Your Honor. At any point during this citation
2 process, has the carrier filed the appropriate documents to change its address on file
3 with the Commission?

4 **MS. BURL:** No.

5 **MR. RACHAL:** Have you been in contact with anyone representing the carrier
6 since the citation was mailed?

7 **MS. BURL:** No, I have not.

8 **MR. RACHAL:** As of today, has the carrier filed with the Commission its annual
9 report for the year 2023?

10 **MS. BURL:** No, they have not.

11 **MR. RACHAL:** As of today, has a representative of the carrier filed the
12 appropriate documents to close its authority granted by the Commission?

13 **MS. BURL:** No, they have not.

14 **MR. RACHAL:** And is Staff seeking that the carrier be found guilty of failing to
15 file its 2023 annual report and that the Common Carrier Certificate Number 8490
16 be cancelled?

17 **MS. BURL:** Yes.

18 **MR. RACHAL:** And does Staff also seek that the carrier be assessed and ordered
19 to pay a late filing fee in the amount of \$500?

20 **MS. BURL:** Yes.

21 **MR. RACHAL:** And is Staff seeking that the carrier be assessed and ordered to
22 pay a citation fee in the amount of \$25?

23 **MS. BURL:** Yes.

1 **MR. RACHAL:** That's all the questions I have, Your Honor.

2 **JUDGE FREY:** Thank you. I do have some follow up questions for you, Ms.

3 Burl. With regard to the pre-citation letter and the citation, I believe your testimony

4 was that they were both prepared for your signature and mailed by a previous

5 employee; is that correct?

6 **MS. BURL:** The tentative hearing letter was automatically generated out of the

7 database with my signature. It was prepared by my previous employee who is no

8 longer with the Commission. The citation was prepared for my signature. Once it

9 was signed, I gave it back to my Staff to prepare and mail.

10 **JUDGE FREY:** Do your duties as Transportation Administrator include

11 supervising Staff in preparing documents and citations and mailing those?

12 **MS. BURL:** Yes.

13 **JUDGE FREY:** And is that correct for this matter, you were -- the employee or

14 employees who mailed these documents were operating under your supervision?

15 **MS. BURL:** Yes.

16 **JUDGE FREY:** So you are familiar with the process and these documents?

17 **MS. BURL:** Yes.

18 **JUDGE FREY:** Do you have what was admitted as Staff Exhibit 3 in front of

19 you?

20 **MS. BURL:** Yes.

21 **JUDGE FREY:** So I believe you testified that the Commission did not receive the

22 certified mail return receipt for this citation; that's correct?

23 **MS. BURL:** That is correct.

1 **JUDGE FREY:** Did the envelope in which the certified mail was sent, was it
2 received back to the Commission?

3 **MS. BURL:** No, it was not.

4 **JUDGE FREY:** Okay. So then what did Staff do?

5 **MS. BURL:** I proceeded to go to the United States Postal Services website, typed
6 in the certified mail number and printed out this tracking sheet that's been admitted
7 as Exhibit 3.

8 **JUDGE FREY:** All right. And what date was Exhibit 3 printed?

9 **MS. BURL:** Doing my best not to rip my stapled copies here. August 13, 2024.

10 **JUDGE FREY:** And you printed it?

11 **MS. BURL:** Yes, I did.

12 **JUDGE FREY:** And there appears to be another document with the USPS tracking
13 results that's part of Exhibit 3; do you see that?

14 **MS. BURL:** Yes.

15 **JUDGE FREY:** What is this document?

16 **MS. BURL:** This is the receipt that we keep in our office when the certified mail
17 is sent out. I did not realize it was attached as Exhibit 3. It normally is not.

18 **JUDGE FREY:** For this one, does the certified mail receipt have a certified mail
19 tracking information on it?

20 **MS. BURL:** Yes.

21 **JUDGE FREY:** And what is the last four digits of the tracking number?

22 **MS. BURL:** 0524.

1 **JUDGE FREY:** Does that match the USPS tracking results and the certified mail
2 number that was printed on the citation?

3 **MS. BURL:** Yes.

4 **JUDGE FREY:** Is there also an address on the receipt that you hold on to?

5 **MS. BURL:** Yes, 1620 Buccola Avenue, Marrero, Louisiana 70072.

6 **JUDGE FREY:** And that matches the address that the tentative hearing letter and
7 the citation was mailed to?

8 **MS. BURL:** Yes.

9 **JUDGE FREY:** And you indicated this is the address the Commission has on file
10 for the carrier?

11 **MS. BURL:** Yes.

12 **JUDGE FREY:** For clarification, does Staff wish that Exhibit 3 in this matter be
13 an in globo exhibit and include that third page, which is the copy of the certified
14 mail receipt retained by the Staff?

15 **MR. RACHAL:** Yes, Your Honor.

16 **JUDGE FREY:** So Staff Exhibit 3 in this matter will be the USPS tracking results
17 with attached copy of the certified mail receipt retained by Commission Staff as an
18 in globo exhibit. I have no further questions for the witness. Do you have any
19 follow up for Ms. Burl?

20 **MR. RACHAL:** No, Your Honor.

21 **JUDGE FREY:** Going to make sure I have no further questions for Ms. Burl. I
22 have no further questions. Mr. Rachal.

1 **MR. RACHAL:** Thank you, Your Honor. In closing, Commission Staff submits
2 that it has borne the burden of proving by documentary and testimony evidence that
3 Alfred Jones LLC violated Commission's General Order 2 dated July 1, 1921 and
4 General Order dated March 18, 2021 by failing to submit its annual report. As Ms.
5 Burl indicated, Staff is seeking that the company be found guilty of this violation
6 and that the Common Carrier Certificate Number 8490 be cancelled and that the
7 carrier be ordered to pay a \$500 late fee and a citation fee of \$25.

8 **JUDGE FREY:** Thank you. If there is nothing further in this matter, this matter
9 is concluded.

10

11 **DOCKET NO. T-37245**

12 **JUDGE FREY:** The next matter on the docket is Docket Number T-37245 -
13 Louisiana Public Service Commission versus American Towing Enterprises, LLC.
14 In re: Cancellation of Common Carrier Certificate Number 6676-A for failure to
15 file an annual report for 2023 and/or pay a late filing fee of \$500 and a citation fee
16 of \$25 as required by General Order 2 dated July 1, 1921 and General Order dated
17 March 18, 2021. Would the parties present please make your appearances for the
18 record?

19 **MR. RACHAL:** Paul Rachal on behalf of Staff.

20 **JUDGE FREY:** Let the record reflect that there is no one present this morning on
21 behalf of American Towing Enterprises, LLC. How does the Staff plan to move
22 forward this morning?

1 **MR. RACHAL:** Your Honor, Staff requests a motion to dismiss. All issues have
2 been resolved.

3 **JUDGE FREY:** Is that a motion to dismiss with prejudice?

4 **MR. RACHAL:** Yes, Your Honor.

5 **JUDGE FREY:** An order of dismissal dismissing this matter with prejudice will
6 be issued accordingly.

7

8 **DOCKET NO. T-37247**

9 **JUDGE FREY:** The next matter on the docket this morning is Docket Number T-
10 37247 - Louisiana Public Service Commission versus Ashenafi Admasu dba
11 Ashenafi Admasu Limousine Service. In re: Cancellation of Common Carrier
12 Certificate Number 8498 for failure to file an annual report for 2023 and/or pay a
13 late filing fee of \$500, a citation fee of \$25 as required by General Order 2 dated
14 July 1, 1921 and General Order dated March 18, 2021. Would the parties present
15 please make your appearances for the record?

16 **MR. RACHAL:** Paul Rachal on behalf of Staff.

17 **JUDGE FREY:** Let the record reflect that there is no one present in the Courtroom
18 this morning on behalf of Ashenafi Admasu. How does the Staff plan to move
19 forward this morning?

20 **MR. RACHAL:** We plan to move forward, Your Honor.

21 **JUDGE FREY:** You may proceed, Mr. Rachal.

22 **MR. RACHAL:** Thank you, Your Honor. Your Honor, Staff is prepared to prove
23 through both documentary and testimony evidence that the carrier cited in this

1 docket, Ashenafi Admasu, failed to file an annual report for the year 2023 as
2 required by General Order 2 dated July 1, 1921 and General Order dated March 18,
3 2021. As a result of that failure and at the conclusion of this hearing, Staff will
4 request that the carrier be found guilty of the aforementioned violation and that its
5 Common Carrier Certificate Number 8498 be cancelled and that a \$500 late fee be
6 assessed to the carrier as well as a \$25 citation fee. We'd like to call our only
7 witness, Ms. Tammy Burl.

8 **Tammy Burl, after having been previously duly sworn, testified as follows:**

9 **DIRECT EXAMINATION BY MR. PAUL RACHAL**

10 **MR. RACHAL:** Can you please state your name and business address for the
11 record?

12 **MS. BURL:** Tammy Burl. 602 North 5th Street, Baton Rouge, Louisiana 70802.

13 **MR. RACHAL:** And by whom are you employed?

14 **MS. BURL:** The Louisiana Public Service Commission Transportation Division
15 as the Transportation Administrator.

16 **MR. RACHAL:** And what are some of your job duties as Transportation
17 Administrator?

18 **MS. BURL:** I oversee the day-to-day operations of the division, which includes
19 annual reports, renewals, insurance, and inspection/supervision fees.

20 **MR. RACHAL:** And what LPSC orders require carriers to file annual reports?

21 **MS. BURL:** The General Orders dated -- General Order Number 2 dated July 1,
22 1921 and the General Order dated March 18, 2021.

1 **MR. RACHAL:** And which Commission order authorizes the assessment of a
2 \$500 late filing fee when carriers do not file timely annual reports?

3 **MS. BURL:** The General Order dated March 18, 2021.

4 **MR. RACHAL:** And which Commission order authorizes assessing a \$25 citation
5 fee against a cited carrier?

6 **MS. BURL:** The General Order dated June 7, 2006.

7 **MR. RACHAL:** And when are carriers required to file annual reports with the
8 Commission?

9 **MS. BURL:** If the carrier operates on a calendar year basis, the carrier's report is
10 due by April 30th each year. If they operate on a fiscal year end, it is due 120 days
11 after the last day of their fiscal year.

12 **MR. RACHAL:** And how are carriers notified of the requirement to file annual
13 reports with the Commission?

14 **MS. BURL:** When the carrier's authority is granted, the Transportation provides
15 them notice in a letter, and then also we give a courtesy copy mailing out to them
16 each year in November.

17 **MR. RACHAL:** And are you familiar with the carrier cited in this docket?

18 **MS. BURL:** Yes.

19 **MR. RACHAL:** And is this carrier regulated by the LPSC under Common Carrier
20 Certificate Number 8498?

21 **MS. BURL:** Yes.

22 **MR. RACHAL:** And does this carrier file annual reports on a calendar year basis?

23 **MS. BURL:** Yes.

1 **MR. RACHAL:** So when would this particular carrier's annual report be due?

2 **MS. BURL:** Their 2023 annual report would be due April 30, 2024.

3 **MR. RACHAL:** And was this carrier mailed a courtesy annual compliance notice

4 detailing how and by when to file annual reports with the Commission?

5 **MS. BURL:** Yes.

6 **MR. RACHAL:** And did this carrier timely submit an annual report for the year

7 2023?

8 **MS. BURL:** No.

9 **MR. RACHAL:** You have a document before you marked as Staff Exhibit 1. Do

10 you recognize this document?

11 **MS. BURL:** Yes. This is the tentative hearing letter that was sent to Ashenafi

12 Admasu.

13 **MR. RACHAL:** And when did the Commission send this document?

14 **MS. BURL:** It was mailed May 15, 2024.

15 **MR. RACHAL:** And what is the carrier's address on that document?

16 **MS. BURL:** 3752 North Loyola Drive, Apartment 195, Kenner, Louisiana 70065.

17 **MR. RACHAL:** And is that the same address on file with the Commission for the

18 carrier?

19 **MS. BURL:** Yes.

20 **MR. RACHAL:** And what does this document indicate?

21 **MS. BURL:** It notifies the carrier that we did not receive their 2023 annual report

22 on or before the April 30, 2024 due date, that a \$500 late fee had been assessed to

1 the account, and if both the annual report and the \$500 late fee were not received
2 by June 14, 2024, they would be cited to appear at a hearing before the Commission.

3 **MR. RACHAL:** And is this your signature on the tentative hearing letter?

4 **MS. BURL:** Yes.

5 **MR. RACHAL:** And did you prepare this tentative hearing letter for mailing and
6 mail it to the carrier?

7 **MS. BURL:** No. It was prepared by my Staff. It was generated from the database
8 with my signature.

9 **MR. RACHAL:** And did the U.S. Postal Service return the letter as undeliverable
10 for any reason?

11 **MS. BURL:** No.

12 **MR. RACHAL:** Your Honor, Staff moves to offer, and file, and introduce into
13 evidence as Staff Exhibit 1, the tentative hearing letter sent to the carrier.

14 **JUDGE FREY:** Staff Exhibit 1 is admitted.

15 **MR. RACHAL:** Thank you, Your Honor. And how was this letter sent?

16 **MS. BURL:** It was sent by regular U.S. postal mail.

17 **MR. RACHAL:** And after the tentative hearing letter was sent, did the carrier
18 timely file its annual report for the year 2023?

19 **MS. BURL:** No.

20 **MR. RACHAL:** And after the carrier's failure to file its annual report, what action
21 did the Transportation Division take next?

22 **MS. BURL:** We proceeded to issue a citation to the carrier.

1 **MR. RACHAL:** You have a document before you marked as Staff Exhibit 2. Do
2 you recognize this document?

3 **MS. BURL:** Yes. This is a copy of the citation issued to Ashenafi Admasu dba
4 Ashenafi Admasu Limousine Service.

5 **MR. RACHAL:** And when did the Commission send this document?

6 **MS. BURL:** It was mailed on July 3, 2024.

7 **MR. RACHAL:** And what is the carrier's address on this document?

8 **MS. BURL:** 3752 North Loyola Drive, Apartment 195, in Kenner, Louisiana
9 70065.

10 **MR. RACHAL:** And is this the same address that's on file with the Commission?

11 **MS. BURL:** Yes.

12 **MR. RACHAL:** And is this your signature on the citation?

13 **MS. BURL:** Yes.

14 **MR. RACHAL:** And did you prepare this citation for mailing and mail it to the
15 carrier?

16 **MS. BURL:** It was prepared and mailed by my previous Staff member under my
17 direction.

18 **MR. RACHAL:** And were there any documents attached to this letter -- or this --

19 **MS. BURL:** Yes.

20 **MR. RACHAL:** I'm sorry. Excuse me. Citation.

21 **MS. BURL:** Yes, the May 15, 2024 tentative hearing letter.

22 **MR. RACHAL:** And did the citation provide the carrier notice that a citation fee
23 in the amount of \$25 had been assessed to the carrier's account?

1 **MS. BURL:** Yes.

2 **MR. RACHAL:** And did the citation provide the carrier notice that an order may
3 be issued by the Commission cancelling the carrier's common carrier certificate for
4 failure to file an annual report for 2023 and/or requiring the carrier to pay a late
5 filing fee of \$500?

6 **MS. BURL:** Yes.

7 **MR. RACHAL:** And what was the hearing date, time, and location provided in
8 the citation?

9 **MS. BURL:** The hearing was for Wednesday, August 21, 2024 at 9:30 A.M. at the
10 Louisiana Public Service Commission, Galvez Building.

11 **MR. RACHAL:** And was notice of the citation published and available to the
12 general public in the Commission's Official Bulletin?

13 **MS. BURL:** Yes.

14 **MR. RACHAL:** Your Honor, Staff moves to offer, file, introduce into evidence
15 Staff Exhibit 2, in globo, with the tentative hearing letter as an attachment.

16 **JUDGE FREY:** Staff Exhibit 2 is admitted, in globo.

17 **MR. RACHAL:** Thank you, Your Honor. Was the citation sent by certified mail
18 with a return receipt requested as well as by regular U.S. mail?

19 **MS. BURL:** Yes.

20 **MR. RACHAL:** And was the regular mail returned for any reason?

21 **MS. BURL:** No.

22 **MR. RACHAL:** And have you received a return receipt from the certified
23 mailing?

1 **MS. BURL:** Yes, we received the green card.

2 **MR. RACHAL:** You have in front of you a document marked as Staff Exhibit 3.

3 Do you recognize this document?

4 **MS. BURL:** Yes, this is a copy of the green card.

5 **MR. RACHAL:** And what is this document?

6 **MS. BURL:** This is a copy of the green card and the certified mail receipt retained

7 by Staff.

8 **MR. RACHAL:** And what is the carrier's address on that document?

9 **MS. BURL:** It is 3752 North Loyola Drive, Apartment 195, Kenner, Louisiana

10 70065.

11 **MR. RACHAL:** And is that the same address on file with the Commission?

12 **MS. BURL:** Yes.

13 **MR. RACHAL:** And is there a signature?

14 **MS. BURL:** Yes.

15 **MR. RACHAL:** And is there a date next to the signature?

16 **MS. BURL:** No.

17 **MR. RACHAL:** And is there a docket number at the bottom?

18 **MS. BURL:** Yes, T-37247.

19 **MR. RACHAL:** And when did Staff receive this green card?

20 **MS. BURL:** It was received back at the Commission on July 17, 2024.

21 **MR. RACHAL:** And does the tracking number on this document, ending in 1048,

22 match the last four numbers of the certified mail receipt shown on the citation?

23 **MS. BURL:** Yes.

1 **MR. RACHAL:** That is all the questions I have, Your Honor. Oh, I'm sorry.
2 That's not accurate.

3 **JUDGE FREY:** You can proceed.

4 **MR. RACHAL:** Sorry. Staff moves to offer, file, introduce into evidence Staff
5 Exhibit 3, the green card. Your Honor, you have the original copy for your
6 inspection.

7 **JUDGE FREY:** So I do have what has been offered as Staff Exhibit 3 in front of
8 me and the original certified mail receipt. I can attest that the certified mail receipt
9 matches the front and back copies of what was included on Staff Exhibit 3. Staff
10 Exhibit 3 is admitted.

11 **MR. RACHAL:** Thank you, Your Honor. At any point during this citation
12 process, has the carrier filed the appropriate documents to change its address on file
13 with the Commission?

14 **MS. BURL:** No.

15 **MR. RACHAL:** Have you been in contact with anyone representing the carrier
16 since the citation was mailed?

17 **MS. BURL:** No.

18 **MR. RACHAL:** As of today, has the carrier filed with the Commission its annual
19 report for the year 2023?

20 **MS. BURL:** No.

21 **MR. RACHAL:** As of today, has a representative of the carrier filed the
22 appropriate documents to close its authority granted by the Commission?

23 **MS. BURL:** No.

1 **MR. RACHAL:** Is Staff seeking that the carrier be found guilty of failure to file
2 its 2023 annual report and that Common Carrier Certificate Number 8498 be
3 cancelled?

4 **MS. BURL:** Yes.

5 **MR. RACHAL:** And does Staff also seek that the carrier be assessed and ordered
6 to pay a late filing fee in the amount of \$500?

7 **MS. BURL:** Yes.

8 **MR. RACHAL:** Is Staff also seeking that the carrier be assessed and ordered to
9 pay a citation fee in the amount of \$25?

10 **MS. BURL:** Yes.

11 **MR. RACHAL:** That is all the questions I have, Your Honor.

12 **JUDGE FREY:** Ms. Burl, I believe you testified that the citation and the tentative
13 hearing letter were actually mailed by employees, are part of -- employees under
14 your direction. Is part of your duties as the Transportation Administrator to
15 supervise employees in the preparation and mailing of these types of documents?

16 **MS. BURL:** Yes.

17 **JUDGE FREY:** I have no further questions for Ms. Burl.

18 **MR. RACHAL:** Thank you, Your Honor. In closing, Commission Staff submits
19 that it has borne the burden of proving by documentary and testimony evidence that
20 Ashenafi Admasu violated Commission's General Order 2 dated July 1, 1921 and
21 General Order dated March 18, 2021 by failing to submit its annual report. As Ms.
22 Burl indicated, Staff is seeking that the company be found guilty of these violations

1 and that the Common Carrier Certificate Number 8498 be cancelled and that the
2 carrier be ordered to pay a \$500 late fee and a citation fee of \$25.

3 **JUDGE FREY:** And, Mr. Rachal, what authority authorizes the Commission to
4 cancel the carrier's common carrier certificate?

5 **MR. RACHAL:** Title 45:166.

6 **JUDGE FREY:** Thank you. Anything further from Staff in this matter?

7 **MR. RACHAL:** Nothing from Staff, Your Honor.

8 **JUDGE FREY:** If there is nothing further from the Commission Staff, this matter
9 is adjourned.

10

11 **DOCKET NO. T-37248**

12 **JUDGE FREY:** The next matter on the docket this morning is Docket Number T-
13 37248 - Louisiana Public Service Commission versus Audriect Trucking and
14 Transportation LLC. In re: Cancellation of Common Carrier Certificate Number
15 8512 for failure to file an annual report for 2023 and/or pay a late filing fee of \$500
16 and a citation fee of \$25 as required by General Order 2 dated July 1, 1921 and
17 General Order dated March 18, 2021. Would the parties present please make your
18 appearances for the record?

19 **MR. RACHAL:** Paul Rachal on behalf of Staff.

20 **JUDGE FREY:** Let the record reflect that there is no one present in the Courtroom
21 this morning on behalf of Audriect Trucking and Transportation LLC. How does
22 the Staff plan to move forward this morning?

1 **MR. RACHAL:** Your Honor, Staff requests a motion to dismiss. The carrier sent
2 its T-80 to close by Special Order 62-2024.

3 **JUDGE FREY:** All right. Just for a clarification, the Commission has issued
4 Special Order 62-2024 cancelling Common Carrier Certificate Number 8512 at the
5 carrier's request?

6 **MR. RACHAL:** Yes, Your Honor.

7 **JUDGE FREY:** All right. A order of dismissal dismissing this matter with
8 prejudice will be issued accordingly.

9

10 **DOCKET NO. T-37250**

11 **JUDGE FREY:** The next matter on the docket this morning is Docket Number T-
12 37250 - Louisiana Public Service Commission versus Bayou Boys Towing LLC.
13 In re: Cancellation of Common Carrier Certificate Number 8438 for failure to file
14 an annual report for 2023 and/or pay a late filing fee of \$500 and a citation fee of
15 \$25 as required by General Order 2 dated July 1, 1921 and General Order dated
16 March 18, 2021. Would the parties present please make their appearances for the
17 record?

18 **MR. RACHAL:** Paul Rachal on behalf of Staff.

19 **JUDGE FREY:** Let the record reflect that there is no one present this morning on
20 behalf of Bayou Boys Towing LLC. How does the Staff plan to move forward this
21 morning?

22 **MR. RACHAL:** Your Honor, Staff requests a motion to continue to October 3,
23 2024.

1 **JUDGE FREY:** A ruling on the motion to continue and a notice of rescheduling
2 this hearing to October 3, 2024 will be issued accordingly.
3
4 **DOCKET NO. T-37251**
5 **JUDGE FREY:** The next matter on the docket this morning is Docket Number T-
6 37251 - Louisiana Public Service Commission versus Bernard's Service Center,
7 LLC. In re: Cancellation of Common Carrier Certificate Number 7964-A for
8 failure to file an annual report for 2023 and/or pay a late filing fee of \$500, a citation
9 fee of \$25 as required by General Order 2 dated July 1, 1921 and General Order
10 dated March 18, 2021. Would the parties present please make their appearances
11 for the record?
12 **MR. RACHAL:** Paul Rachal on behalf of Staff.
13 **JUDGE FREY:** Let the record reflect that there is no one present on behalf of
14 Bernard's Service Center, LLC. How does the Staff plan to move forward, Mr.
15 Rachal?
16 **MR. RACHAL:** Your Honor, Staff plans to move forward with this docket.
17 **JUDGE FREY:** All right. You may proceed.
18 **MR. RACHAL:** Thank you, Your Honor. Your Honor, Staff is prepared to move
19 through both documentary and testimonial evidence that the carrier cited in this
20 docket, Bernard's Service Center, LLC, failed to file an annual report for the year
21 2023 as required by General Order 2 dated July 1, 1921 and General Order dated
22 March 18, 2021. As a result of that failure and at the conclusion of this hearing,
23 Staff will request that the carrier be found guilty of the aforementioned violation

1 and that its Common Carrier Certificate Number 7964-A be cancelled, that a \$500
2 late fee be assessed to the carrier as well as a \$25 citation fee. We'd like to call our
3 only witness, Ms. Tammy Burl.

4 **Tammy Burl, after having been previously duly sworn, testified as follows:**

5 **JUDGE FREY:** You may proceed, Mr. Rachal.

6 **DIRECT EXAMINATION BY MR. PAUL RACHAL**

7 **MR. RACHAL:** Thank you. Can you please state your name and business address
8 for the record?

9 **MS. BURL:** Tammy Burl. 602 North 5th Street, Baton Rouge, Louisiana 70802.

10 **MR. RACHAL:** And by whom are you employed?

11 **MS. BURL:** The Louisiana Public Service Commission's Transportation Division
12 as the Transportation Administrator.

13 **MR. RACHAL:** And what are some of your job duties as Transportation
14 Administrator?

15 **MS. BURL:** I oversee the day-to-day operations of the division for regulated motor
16 carriers and the employees that do those jobs, such as the annual reports, renewals,
17 inspection/supervision fees, and insurance.

18 **MR. RACHAL:** And which LPSC orders require carriers to file annual reports?

19 **MS. BURL:** The General Order Number 2 dated July 1, 1921 and the General
20 Order dated March 18, 2021.

21 **MR. RACHAL:** And which Commission order authorizes the assessment of a
22 \$500 late filing fee when carriers do not timely file annual reports?

23 **MS. BURL:** The Commission's General Order dated March 18, 2021.

1 **MR. RACHAL:** And which Commission order authorizes assessing a \$25 citation
2 fee?

3 **MS. BURL:** The General Order dated June 7, 2006.

4 **MR. RACHAL:** And what statute gives the Commission authority to cancel a
5 motor carrier's authority?

6 **MS. BURL:** Title 45:166.

7 **MR. RACHAL:** And when are carriers required to file annual reports with the
8 Commission?

9 **MS. BURL:** If the carrier operates on a calendar year basis, they are required to
10 file their annual report by April 30th each year. If they operate on a fiscal year basis,
11 they're required to file the annual report 120 days after the last day of their fiscal
12 year.

13 **MR. RACHAL:** And how are carriers notified of the requirements to file annual
14 reports with the Commission?

15 **MS. BURL:** When their authority is granted, they are given a letter requiring them
16 to file an annual report, and then in November, we send a courtesy packet to all the
17 carriers, letting them know all their compliance issues, such as filing the annual
18 report.

19 **MR. RACHAL:** And are you familiar with the carrier cited in this docket?

20 **MS. BURL:** Yes.

21 **MR. RACHAL:** Is the carrier regulated by the LPSC under the Common Carrier
22 Certificate Number 7964-A?

23 **MS. BURL:** Yes.

1 **MR. RACHAL:** And does this carrier file annual reports on a calendar year basis?

2 **MS. BURL:** Yes, they do.

3 **MR. RACHAL:** So when would this particular carrier's annual report be due?

4 **MS. BURL:** Their 2023 annual report would have been due April 30, 2024.

5 **MR. RACHAL:** And was this carrier mailed a courtesy annual compliance notice

6 detailing how and by when to file annual reports with the Commission?

7 **MS. BURL:** Yes.

8 **MR. RACHAL:** And did this carrier timely submit an annual report for the year

9 2023?

10 **MS. BURL:** No, they did not.

11 **MR. RACHAL:** You have a document before you that has been marked as Staff

12 Exhibit 1. Do you recognize this document?

13 **MS. BURL:** Yes. This is the tentative hearing letter sent to Bernard's Service

14 Center, LLC on May 15, 2024.

15 **MR. RACHAL:** And what is the carrier's address on that document?

16 **MS. BURL:** 2313 Moeling Street, Lake Charles, Louisiana 70601.

17 **MR. RACHAL:** And is this the same address that's on file with the Commission

18 for this carrier?

19 **MS. BURL:** Yes.

20 **MR. RACHAL:** And what does this document indicate?

21 **MS. BURL:** It notifies the carrier that we did not receive their 2023 annual report

22 by the April 30th due date, that a late filing fee of \$500 had been assessed to their

1 account, and if both the annual report and the \$500 late fee were not received by
2 June 14th, they would be cited to appear at a hearing before the Commission.

3 **MR. RACHAL:** And is this your signature on the tentative hearing letter?

4 **MS. BURL:** Yes, it is.

5 **MR. RACHAL:** And did you prepare this tentative hearing letter for mailing and
6 mail it to the carrier?

7 **MS. BURL:** This letter was automatically generated from our database and it was
8 prepared by Staff under my direction.

9 **MR. RACHAL:** And did the United States Postal Service return the letter as
10 undeliverable for any reason?

11 **MS. BURL:** No, they did not.

12 **MR. RACHAL:** Your Honor, Staff moves to offer, file, and introduce into
13 evidence Staff Exhibit 1, the tentative hearing letter sent to the carrier.

14 **JUDGE FREY:** Staff Exhibit 1 is admitted.

15 **MR. RACHAL:** Thank you, Your Honor. After the tentative hearing letter was
16 sent, did the carrier timely file its annual report for the year 2023?

17 **MS. BURL:** No, they did not.

18 **MR. RACHAL:** And after the carrier's failure to file its annual report, what action
19 did the Transportation Division take next?

20 **MS. BURL:** We proceeded to issue a citation to Bernard's Service Center, LLC.

21 **MR. RACHAL:** You have a document before you, which has been marked as
22 Staff Exhibit 2, in globo. Do you recognize this document?

23 **MS. BURL:** Yes, this is a copy of the citation.

1 **MR. RACHAL:** And when did the Commission send this document?

2 **MS. BURL:** It was mailed July 3, 2024.

3 **MR. RACHAL:** And what's the address on this document?

4 **MS. BURL:** 2313 Moeling Street, Lake Charles, Louisiana 70601.

5 **MR. RACHAL:** And is that the same address that's on file with the Commission

6 for this carrier?

7 **MS. BURL:** Yes.

8 **MR. RACHAL:** And is this your signature on the citation?

9 **MS. BURL:** Yes, it is.

10 **MR. RACHAL:** And did you prepare this citation for mailing and mail it to the

11 carrier?

12 **MS. BURL:** It was prepared by my Staff for my signature and mailed by my Staff

13 under my direction.

14 **MR. RACHAL:** And were there any documents attached to this citation?

15 **MS. BURL:** Yes, the May 15, 2024 tentative hearing letter.

16 **MR. RACHAL:** And did the citation provide the carrier notice that a citation fee

17 in the amount of \$25 had been assessed to the carrier's account?

18 **MS. BURL:** Yes.

19 **MR. RACHAL:** And did the citation provide the carrier notice that an order may

20 be issued by the Commission cancelling the carrier's common carrier certificate

21 number for failure to file an annual report for 2023 and/or requiring the carrier to

22 pay a late filing fee of \$500?

23 **MS. BURL:** Yes.

1 **MR. RACHAL:** And what was the hearing date, time, and location provided in
2 the citation?

3 **MS. BURL:** It was Wednesday, August 21, 2024 at 9:30 A.M. here at the
4 Louisiana Public Service Commission, Galvez Building.

5 **MR. RACHAL:** And was notice of the citation published and available to the
6 general public in the Commission's Official Bulletin?

7 **MS. BURL:** Yes.

8 **MR. RACHAL:** Your Honor, Staff moves to offer, file, and introduce into
9 evidence Staff Exhibit 2, in globo, the citation with the tentative hearing letter as
10 an attachment.

11 **JUDGE FREY:** Staff Exhibit 2, in globo, is admitted.

12 **MR. RACHAL:** Thank you. Was the citation sent by certified mail with a return
13 receipt requested as well as by regular U.S. mail?

14 **MS. BURL:** Yes.

15 **MR. RACHAL:** And was the regular mail returned for any reason?

16 **MS. BURL:** No.

17 **MR. RACHAL:** And have you received a return receipt from the certified
18 mailing?

19 **MS. BURL:** No.

20 **MR. RACHAL:** Okay. You have a document in front of you marked as Staff
21 Exhibit 3. Do you recognize this document?

22 **MS. BURL:** Yes, this is a printout from the United States Postal Service's website.

23 **MR. RACHAL:** And what does this document indicate?

1 **MS. BURL:** It shows that the tracking number, ending in 1086, shows that the
2 package was delivered, left with an individual at Lake Charles, LA 70601 on July
3 10, 2024 at 12:37 P.M.

4 **MR. RACHAL:** And was it left at the same address that's on file with the
5 Commission?

6 **MS. BURL:** Yes.

7 **MR. RACHAL:** And does the tracking number at the top, ending in 1086, match
8 the ending numbers on the citation?

9 **MS. BURL:** Yes.

10 **MR. RACHAL:** And what date did you print out this USPS printout?

11 **MS. BURL:** August 13, 2024.

12 **MR. RACHAL:** Your Honor, Staff moves to offer, file, introduce into evidence
13 Staff Exhibit 3, the USPS tracking sheet.

14 **JUDGE FREY:** Staff Exhibit 3 is admitted.

15 **MR. RACHAL:** Thank you, Your Honor. At any point during this citation
16 process, has the carrier filed the appropriate documents to change its address on file
17 with the Commission?

18 **MS. BURL:** No.

19 **MR. RACHAL:** Have you been in contact with anyone representing the carrier
20 since the citation was mailed?

21 **MS. BURL:** No.

22 **MR. RACHAL:** As of today, has the carrier filed with the Commission its annual
23 report for the year 2023?

1 **MS. BURL:** No.

2 **MR. RACHAL:** As of today, has a representative of the carrier filed the
3 appropriate documents to close its authority granted by the Commission?

4 **MS. BURL:** No.

5 **MR. RACHAL:** Is Staff seeking that the carrier be found guilty of failing to file
6 its 2023 annual report and that Common Carrier Certificate Number 7964-A be
7 cancelled?

8 **MS. BURL:** Yes.

9 **MR. RACHAL:** And does Staff also seek that the carrier be assessed and ordered
10 to pay a late filing fee in the amount of \$500?

11 **MS. BURL:** Yes.

12 **MR. RACHAL:** And is Staff also seeking that the carrier be assessed and ordered
13 to pay a citation fee in the amount of \$25?

14 **MS. BURL:** Yes.

15 **MR. RACHAL:** That's all the questions I have, Your Honor.

16 **JUDGE FREY:** Thank you. Just a couple follow up questions, Ms. Burl. With
17 regard to Staff Exhibit 3, you indicated that you did not get the certified mail return
18 receipt back at the Commission; is that correct?

19 **MS. BURL:** That's correct.

20 **JUDGE FREY:** So then what did you do?

21 **MS. BURL:** I went on to the United States Postal Service's website, typed in the
22 tracking number, and printed this, which has been admitted as Exhibit 3.

1 **JUDGE FREY:** All right. And the certified mail, ending in 1086, it was sent to
2 the same address as the regular mail for the citation and the same address as the
3 tentative hearing letter, 2313 Moeling Street, Lake Charles, Louisiana; is that
4 correct?

5 **MS. BURL:** That's correct.

6 **JUDGE FREY:** And none of the regular mail was returned to the Commission?

7 **MS. BURL:** No.

8 **JUDGE FREY:** And the carrier has not submitted a change of address?

9 **MS. BURL:** No.

10 **JUDGE FREY:** I have no further questions for Ms. Burl. Do you have any follow
11 up?

12 **MR. RACHAL:** No, Your Honor.

13 **JUDGE FREY:** Thank you. Mr. Rachal.

14 **MR. RACHAL:** In closing, Your Honor, Commission Staff submits that it has
15 borne the burden of proving by documentary and testimonial evidence that
16 Bernard's Service Center, LLC violated Commission's General Order 2 dated July
17 1, 1921 and General Order dated March 18, 2021 by failing to submit its annual
18 report. As Ms. Burl indicated, Staff is seeking that the company be found guilty of
19 these violations and that the Common Carrier Certificate Number 7964-A be
20 cancelled and that the carrier be ordered to pay a \$500 fine and a citation fee of
21 \$25.

22 **JUDGE FREY:** Thank you. If there is nothing further in this matter, this matter
23 is adjourned.

1 **DOCKET NO. T-37252**

2 **JUDGE FREY:** The next matter on the docket this morning is Docket Number T-
3 37252 - Louisiana Public Service Commission versus Big Easy Towing and
4 Recovery LLC. In re: Cancellation of Common Carrier Certificate Number 8561
5 for failure to file an annual report for 2023 and/or pay a late filing fee of \$500 and
6 a citation fee of \$25 as required by General Order 2 dated July 1, 1921 and General
7 Order dated March 18, 2021. Would the parties present please make your
8 appearances for the record?

9 **MR. RACHAL:** Paul Rachal on behalf of Staff.

10 **JUDGE FREY:** Let the record reflect that there is no one present in the Courtroom
11 this morning on behalf of Big Easy Towing and Recovery LLC. How do you plan
12 to move forward, Mr. Rachal?

13 **MR. RACHAL:** Your Honor, Staff requests a motion to continue to October 3,
14 2024.

15 **JUDGE FREY:** A ruling on the motion to continue and a notice of rescheduling
16 this matter to October 3, 2024 will be issued accordingly.

17

18 **DOCKET NO. T-37253**

19 **JUDGE FREY:** The next matter on the docket is Docket Number T-37253 -
20 Louisiana Public Service Commission versus Bolds' Towing, LLC. In re:
21 Cancellation of Common Carrier Certificate Number 7284 for failure to file an
22 annual report for 2023 and/or pay a late filing fee of \$500 and a citation fee of \$25

1 as required by General Order 2 dated July 1, 1921 and General Order dated March
2 18, 2021. Would the parties present please make your appearances for the record?

3 **MR. RACHAL:** Paul Rachal on behalf of Staff.

4 **JUDGE FREY:** Let the record reflect that there is no one present on behalf of
5 Bolds' Towing, LLC. How does the Staff plan to move forward this morning?

6 **MR. RACHAL:** Staff plans to move forward with this docket, Your Honor.

7 **JUDGE FREY:** You may proceed, Mr. Rachal.

8 **MR. RACHAL:** Thank you. Your Honor, Staff is prepared to prove through both
9 documentary and testimonial evidence that the carrier cited in this docket, Bolds'
10 Towing, LLC, failed to file an annual report for the year 2023 as required by
11 General Order 2 dated July 1, 1921 and General Order dated March 18, 2021. As
12 a result of that failure and at the conclusion of this hearing, Staff will request that
13 the carrier be found guilty of the aforementioned violation and that its Common
14 Carrier Certificate Number 7284 be cancelled, that a \$500 late fee be assessed to
15 the carrier, as well as a \$25 citation fee. We'd like to call our only witness, Ms.
16 Tammy Burl.

17 **Tammy Burl, after having been previously duly sworn, testified as follows:**

18 **DIRECT EXAMINATION BY MR. PAUL RACHAL**

19 **MR. RACHAL:** Can you please state your name and business address for the
20 record?

21 **MS. BURL:** Tammy Burl. 602 North 5th Street, Baton Rouge, Louisiana 70802.

22 **MR. RACHAL:** And by whom are you employed?

1 **MS. BURL:** The Louisiana Public Service Commission, the Transportation
2 Division as the Transportation Administrator.

3 **MR. RACHAL:** And what are some of your job duties as Transportation
4 Administrator?

5 **MS. BURL:** I oversee the day-to-day operations of the division for the motor
6 carriers that are regulated for their annual reports, insurance, inspection/supervision
7 fees, and renewals. And I also oversee the employees that do those duties.

8 **MR. RACHAL:** And which LPSC order requires carriers to file annual reports?

9 **MS. BURL:** The General Order Number 2 dated July 1, 1921 and General Order
10 dated March 18, 2021.

11 **MR. RACHAL:** And which Commission order authorizes the assessment of a
12 \$500 late filing fee when carriers do not timely file annual reports?

13 **MS. BURL:** The General Order dated March 18, 2021.

14 **MR. RACHAL:** And which Commission order authorizes assessing a \$25 citation
15 fee?

16 **MS. BURL:** The General Order dated June 7, 2006.

17 **MR. RACHAL:** And what statute gives the Commission authority to cancel a
18 motor carrier's authority?

19 **MS. BURL:** Title 45:166.

20 **MR. RACHAL:** And when are carriers required to file annual reports with the
21 Commission?

1 **MS. BURL:** If the carrier operates on a calendar year, their annual report is due
2 April 30th each year. If they operate on a fiscal year basis, it is due 120 days after
3 the last day of their fiscal year.

4 **MR. RACHAL:** And how are carriers notified of the requirement to file annual
5 reports with the Commission?

6 **MS. BURL:** When the authority is granted, the Commission sends a cover letter
7 indicating that annual reports are required each and every year. We also send a
8 courtesy packet in November, giving a copy of a blank annual report and the due
9 dates in which they need to be sent to the Commission by.

10 **MR. RACHAL:** And are you familiar with the carrier cited in this docket?

11 **MS. BURL:** Yes, Bolds' Towing, LLC.

12 **MR. RACHAL:** And is the carrier regulated by the LPSC under the Common
13 Carrier Certificate Number 7284?

14 **MS. BURL:** Yes.

15 **MR. RACHAL:** And does this carrier file annual reports on a calendar year basis?

16 **MS. BURL:** Yes.

17 **MR. RACHAL:** So when would this particular carrier's annual report be due?

18 **MS. BURL:** April 30th -- the 2023 annual report would be due April 30, 2024.

19 **MR. RACHAL:** And was this carrier mailed a courtesy annual compliance notice
20 detailing how and by when to file annual reports with the Commission?

21 **MS. BURL:** Yes.

22 **MR. RACHAL:** And did this carrier timely submit an annual report for the year
23 2023?

1 **MS. BURL:** No.

2 **MR. RACHAL:** You have a document before you marked as Staff Exhibit 1. Do
3 you recognize this document?

4 **MS. BURL:** Yes. This is the tentative hearing letter sent to Bolds' Towing, LLC
5 on March -- sorry, on May 15, 2024.

6 **MR. RACHAL:** And what is the carrier's address on that document?

7 **MS. BURL:** P.O. Box 70, Winnfield, Louisiana 71483.

8 **MR. RACHAL:** And is that the same address on file with the Commission?

9 **MS. BURL:** Yes.

10 **MR. RACHAL:** And what does this document indicate?

11 **MS. BURL:** It notifies Bolds' Towing, LLC that we did not receive their 2023
12 annual report that was due April 30th, that a late fee of \$500 had been assessed to
13 their account, and if both the annual report and the \$500 late fee were not received
14 by June 14, 2024, they would be issued a citation to appear at a hearing before the
15 Commission.

16 **MR. RACHAL:** And is this your signature on the tentative hearing letter?

17 **MS. BURL:** Yes.

18 **MR. RACHAL:** And did you prepare this tentative hearing letter for mailing and
19 mail it to the carrier?

20 **MS. BURL:** This letter was prepared by my Staff, it was automatically generated
21 with my signature under my direction.

22 **MR. RACHAL:** And did the U.S. Postal Service return the letter as undeliverable
23 for any reason?

1 **MS. BURL:** No.

2 **MR. RACHAL:** Your Honor, Staff moves to offer, and file, introduce into
3 evidence as Staff Exhibit 1, the tentative hearing letter sent to the carrier.

4 **JUDGE FREY:** Staff Exhibit 1 is admitted.

5 **MR. RACHAL:** Thank you, Your Honor. After the tentative hearing letter was
6 sent, did the carrier timely file its annual report for the year 2023?

7 **MS. BURL:** No.

8 **MR. RACHAL:** And after the carrier's failure to file its annual report, what action
9 did the Transportation Division take next?

10 **MS. BURL:** A citation was issued to Bolds' Towing, LLC.

11 **MR. RACHAL:** You have a document before you marked as Staff Exhibit 2, in
12 globo. Do you recognize this document?

13 **MS. BURL:** Yes, this is a copy of the citation.

14 **MR. RACHAL:** And when did the Commission send this document?

15 **MS. BURL:** It was mailed July 3, 2024.

16 **MR. RACHAL:** And what is the carrier's address on this document?

17 **MS. BURL:** P.O. Box 70, Winnfield, Louisiana 71483.

18 **MR. RACHAL:** And is this the same address on file with the Commission?

19 **MS. BURL:** Yes.

20 **MR. RACHAL:** And is this your signature on the citation?

21 **MS. BURL:** Yes.

22 **MR. RACHAL:** And did you prepare this citation for mailing and mail it to the
23 carrier?

1 **MS. BURL:** It was prepared by Staff for my signature and then mailed under my
2 direction.

3 **MR. RACHAL:** And were there any documents attached to this citation?

4 **MS. BURL:** Yes, the May 15, 2024 tentative hearing letter.

5 **MR. RACHAL:** And did the citation provide the carrier notice that a citation fee
6 in the amount of \$25 had been assessed to the carrier's account?

7 **MS. BURL:** Yes.

8 **MR. RACHAL:** And did the citation provide the carrier notice that an order may
9 be issued by the Commission cancelling the carrier's common carrier certificate for
10 failure to file an annual report for 2023 and/or requiring the carrier to pay a late
11 filing fee of \$500?

12 **MS. BURL:** Yes.

13 **MR. RACHAL:** And what was the hearing date, time, and location provided in
14 the citation?

15 **MS. BURL:** Wednesday, August 21, 2024 at 9:30 A.M. at the Louisiana Public
16 Service Commission in the Galvez Building.

17 **MR. RACHAL:** And was notice of the citation published and available to the
18 general public in the Commission's Official Bulletin?

19 **MS. BURL:** Yes.

20 **MR. RACHAL:** Your Honor, Staff moves to offer, file, and introduce into
21 evidence Staff Exhibit 2, in globo, the citation with the tentative hearing letter as
22 an attachment.

23 **JUDGE FREY:** Staff Exhibit 2, in globo, is admitted.

1 **MR. RACHAL:** Thank you, Your Honor. Once the citation was prepared, did
2 you mail the citation to the carrier?

3 **MS. BURL:** It was mailed by my Staff under my direction.

4 **MR. RACHAL:** Was the citation sent by certified mail with a return receipt
5 requested as well as by regular U.S. mail?

6 **MS. BURL:** Yes.

7 **MR. RACHAL:** And was the regular mail returned for any reason?

8 **MS. BURL:** No.

9 **MR. RACHAL:** And have you received a return receipt from the certified
10 mailing?

11 **MS. BURL:** Yes.

12 **MR. RACHAL:** You have a document in front of you marked as Staff Exhibit 3.
13 Do you recognize this document?

14 **MS. BURL:** Yes, this is a copy of the green card.

15 **MR. RACHAL:** And what is the carrier's address on this document?

16 **MS. BURL:** P.O. Box 70, Winnfield, Louisiana 71483.

17 **MR. RACHAL:** And is that the same address that's on file with the Commission?

18 **MS. BURL:** Yes.

19 **MR. RACHAL:** And is there a signature?

20 **MS. BURL:** Yes.

21 **MR. RACHAL:** Is there a date next to the signature?

22 **MS. BURL:** No. But it appears to be marked by the Winnfield, Louisiana Post
23 Office as July 16, 2024.

1 **MR. RACHAL:** And what's the docket number on the bottom of this green card?

2 **MS. BURL:** T-37253.

3 **MR. RACHAL:** And when did Staff receive this green card back?

4 **MS. BURL:** It was received back in our office on July 22, 2024.

5 **MR. RACHAL:** And does the tracking number on this document, ending in 1109,

6 match the last four numbers of the certified mail receipt shown in the citation?

7 **MS. BURL:** Yes.

8 **MR. RACHAL:** Your Honor, Staff moves to offer, file, and introduce into

9 evidence Staff Exhibit 3, the green card. You have the original for your inspection.

10 **JUDGE FREY:** I have what has been marked as Staff Exhibit 3, which is a copy

11 of the front and back of the certified mail return receipt in addition to the -- there's

12 some other stuff on here as well, but I have the original certified mail return receipt

13 and it matches the front and back copies that are on Staff Exhibit 3.

14 **MR. RACHAL:** Thank you, Your Honor.

15 **JUDGE FREY:** Staff Exhibit 3 is admitted.

16 **MR. RACHAL:** Ms. Burl, what is the other attachment on this Exhibit 3?

17 **MS. BURL:** That's an image on the certified mail receipt that Staff keeps with the

18 citation.

19 **MR. RACHAL:** And the address on that, is that the same address that's on file

20 with the Commission?

21 **MS. BURL:** Yes.

22 **MR. RACHAL:** And the last four digits of the number at the very end, is that the

23 last four digits in the citation?

1 **MS. BURL:** Yes.

2 **MR. RACHAL:** At any point during this citation process, has the carrier filed the
3 appropriate documents to change its address on file with the Commission?

4 **MS. BURL:** No.

5 **MR. RACHAL:** Have you been in contact with anyone representing the carrier
6 since the citation was mailed?

7 **MS. BURL:** No.

8 **MR. RACHAL:** As of today, has the carrier filed with the Commission its annual
9 report for the year 2023?

10 **MS. BURL:** No.

11 **MR. RACHAL:** As of today, has a representative of the carrier filed the
12 appropriate documents to close its authority granted by the Commission?

13 **MS. BURL:** No.

14 **MR. RACHAL:** Is Staff seeking that the carrier be found guilty of failing to file
15 its 2023 annual report and that Common Carrier Certificate Number 7284 be
16 cancelled?

17 **MS. BURL:** Yes.

18 **MR. RACHAL:** And does Staff also seek that the carrier be assessed and ordered
19 to pay a late filing fee in the amount of \$500?

20 **MS. BURL:** Yes.

21 **MR. RACHAL:** And is Staff also seeking that the carrier be assessed and ordered
22 to pay a citation fee in the amount of \$25?

23 **MS. BURL:** Yes.

1 **MR. RACHAL:** That's all the questions I have, Your Honor.

2 **JUDGE FREY:** Thank you. Just a couple questions, Ms. Burl. Do you have --

3 for purposes of this questioning, I'm going to present the witness with the original

4 certified mail receipt matching what was admitted as Staff Exhibit 3. You

5 referenced that this was received back to the Commission -- the certified mail

6 receipt was received back at the Commission on July 22, 2024; is that correct?

7 **MS. BURL:** Yes.

8 **JUDGE FREY:** Does it appear that the numerals "22" on the return stamp appear

9 to be handwritten?

10 **MS. BURL:** Yes.

11 **JUDGE FREY:** Do you know where that came from or how that came to be there?

12 **MS. BURL:** Yes. Staff is directed that if ever the date stamp is not clear, that they

13 can write over it the date in which it was received.

14 **JUDGE FREY:** Okay. So you believe that that was placed there by your Staff to

15 make it more legible on the copies?

16 **MS. BURL:** Yes.

17 **JUDGE FREY:** Is there a printed name on the certified mail return receipt?

18 **MS. BURL:** No.

19 **JUDGE FREY:** But there is a signature in the Complete This Section on Delivery

20 Section?

21 **MS. BURL:** Yes.

22 **JUDGE FREY:** I have no further questions for Ms. Burl. Do you have any follow

23 up, Mr. Rachal?

1 **MR. RACHAL:** No, Your Honor.

2 **JUDGE FREY:** You may proceed.

3 **MR. RACHAL:** Thank you. In closing, Your Honor, Commission Staff submits
4 that it has borne the burden of proving by documentary and testimony evidence that
5 Bolds' Towing, LLC violated Commission's General Order 2 dated July 1, 1921
6 and General Order dated March 18, 2021 by failing to submit an annual report. As
7 Ms. Burl indicated, Staff is seeking that the company be found guilty of this
8 violation and that the Common Carrier Certificate Number 7284 be cancelled and
9 that the carrier be ordered to pay a \$500 late fee and a citation fee of \$25.

10 **JUDGE FREY:** Thank you. If there is nothing further, this matter is adjourned.
11

12 **DOCKET NO. T-37254**

13 **JUDGE FREY:** The next matter on the docket this morning is Docket Number T-
14 37254 - Louisiana Public Service Commission versus Breaux Performance Group,
15 LLC dba College Hunks Hauling Junk and Moving. In re: Cancellation of
16 Common Carrier Certificate Number 8335 for failure to file an annual report for
17 2023 and/or pay a late filing fee of \$500 and a citation fee of \$25 as required by
18 General Order 2 dated July 1, 1921 and General Order dated March 18, 2021.
19 Would the parties present please make your appearances for the record?

20 **MR. RACHAL:** Paul Rachal on behalf of Staff.

21 **JUDGE FREY:** Let the record reflect that there is no one present in the Courtroom
22 on behalf of Breaux Performance Group, LLC. How do you plan to move forward
23 this morning?

1 **MR. RACHAL:** Your Honor, Staff requests a motion to dismiss. All the issues
2 have been resolved.

3 **JUDGE FREY:** Is that a motion to dismiss with prejudice?

4 **MR. RACHAL:** Yes, Your Honor.

5 **JUDGE FREY:** An order of dismissal dismissing this matter with prejudice will
6 be issued accordingly.

7

8 **DOCKET NO. T-37255**

9 **JUDGE FREY:** The next matter on the docket this morning is Docket Number T-
10 37255 - Louisiana Public Service Commission versus Burton Transit, LLC. In re:
11 Cancellation of Registration and Insurance Number 1608 for failure to file an
12 annual report for 2023 and/or pay a late filing fee of \$500 and a citation fee of \$25
13 as required by General Order 2 dated July 1, 1921 and General Order dated March
14 18, 2021. Would the parties present please make your appearances for the record?

15 **MR. RACHAL:** Paul Rachal on behalf of Staff.

16 **JUDGE FREY:** Let the record reflect there is no one present on behalf of Burton
17 Transit, LLC. How does the Staff plan to move forward this morning?

18 **MR. RACHAL:** Your Honor, Staff requests a motion to continue to October 3,
19 2024.

20 **JUDGE FREY:** A ruling on the motion to continue and a notice of rescheduling
21 this matter to October 3rd will be issued accordingly.

22

23

1 **DOCKET NO. T-37258**

2 **JUDGE FREY:** The next matter on the docket is Docket Number T-37258 -
3 Louisiana Public Service Commission versus Central City Towing, LLC. In re:
4 Cancellation of Common Carrier Certificate Number 8448 for failure to file an
5 annual report for 2023 and/or pay a late filing fee of \$500 and a citation fee of \$25
6 as required by General Order 2 dated July 1, 1921 and General Order dated March
7 18, 2021. Would the parties present please make their appearances for the record?

8 **MR. RACHAL:** Paul Rachal on behalf of Staff.

9 **JUDGE FREY:** Let the record reflect that there is no one present on behalf of
10 Central City Towing, LLC. How do you plan to move forward, Mr. Rachal?

11 **MR. RACHAL:** Your Honor, Staff requests a motion to continue to October 3,
12 2024.

13 **JUDGE FREY:** A ruling on the motion to continue and a notice of rescheduling
14 this matter to October 3, 2024 will be issued accordingly.

15

16 **DOCKET NO. T-37259**

17 **JUDGE FREY:** The next matter on the docket is Docket Number T-37259 -
18 Louisiana Public Service Commission versus Chateau Transportation LLC. In re:
19 Cancellation of Common Carrier Certificate Number 8518 for failure to file an
20 annual report for 2023 and/or pay a late filing fee of \$500 and a citation fee of \$25
21 as required by General Order 2 dated July 1, 1921 and General Order dated March
22 18, 2021. Would the parties present please make your appearances for the record?

23 **MR. RACHAL:** Paul Rachal on behalf of Staff.

1 **JUDGE FREY:** Let the record reflect that there is no one present on behalf of
2 Chateau Transportation LLC. How does the Staff plan to move forward?

3 **MR. RACHAL:** Your Honor, Staff requests a motion to dismiss with prejudice.
4 All issues have been resolved.

5 **JUDGE FREY:** Thank you. And a order of dismissal will be issued accordingly.
6

7 **DOCKET NO. T-37260**

8 **JUDGE FREY:** The next matter on the docket this morning is Docket Number T-
9 37260 - Louisiana Public Service Commission versus CM Movers LLC. In re:
10 Cancellation of Common Carrier Certificate Number 8323-A for failure to file an
11 annual report for 2023 and/or pay a late filing fee of \$500 and a citation fee of \$25
12 as required by General Order 2 dated July 1, 1921 and General Order dated March
13 18, 2021. Would the parties present please make your appearances for the record?

14 **MR. RACHAL:** Paul Rachal on behalf of Staff.

15 **JUDGE FREY:** Let the record reflect that there is no one present on behalf of CM
16 Movers LLC. How does Staff plan to move forward this morning?

17 **MR. RACHAL:** Your Honor, Staff plans to move forward with this docket.

18 **JUDGE FREY:** You may proceed, Mr. Rachal.

19 **MR. RACHAL:** Thank you, Your Honor. Your Honor, Staff is prepared to prove
20 through both documentary and testimonial evidence that the carrier cited in this
21 docket, CM Movers LLC, failed to file an annual report for the year 2023 as
22 required by General Order 2 dated July 1, 1921 and General Order dated March 18,
23 2021. As a result of that failure and at the conclusion of this hearing, Staff will

1 request that the carrier be found guilty of the aforementioned violation and that its
2 Common Carrier Certificate Number 8323-A be cancelled, that a \$500 late fee be
3 assessed to the carrier, as well as a \$25 citation fee. We'd like to call our only
4 witness, Ms. Tammy Burl.

5 **Tammy Burl, after having been previously duly sworn, testified as follows:**

6 **JUDGE FREY:** You may proceed.

7 **DIRECT EXAMINATION BY MR. PAUL RACHAL**

8 **MR. RACHAL:** Thank you, Your Honor. Can you please state your name and
9 business address for the record?

10 **MS. BURL:** Tammy Burl. 602 North 5th Street, Baton Rouge, Louisiana 70802.

11 **MR. RACHAL:** And by whom are you employed?

12 **MS. BURL:** The Louisiana Public Service Commission's Transportation Division
13 as the Transportation Administrator.

14 **MR. RACHAL:** And what are some of your job duties as Transportation
15 Administrator?

16 **MS. BURL:** I oversee the day-to-day operations of the division for the regulated
17 motor carriers for their filings such as annual reports, insurance,
18 inspection/supervision fees, renewals. And I also oversee the employees that
19 perform those duties.

20 **MR. RACHAL:** And which LPSC orders require carriers to file annual reports?

21 **MS. BURL:** The General Order Number 2 dated July 1, 1921 and General Order
22 dated March 18, 2021.

1 **MR. RACHAL:** And which Commission order authorizes the assessment of a
2 \$500 late filing fee when carriers do not timely file annual reports?

3 **MS. BURL:** The General Order dated March 18, 2021.

4 **MR. RACHAL:** And which Commission order authorizes the assessing of a \$25
5 citation fee?

6 **MS. BURL:** General Order June 7, 2006.

7 **MR. RACHAL:** And what statute gives the Commission the authority to cancel a
8 motor carrier's authority?

9 **MS. BURL:** Title 45:166.

10 **MR. RACHAL:** And when are carriers required to file annual reports with the
11 Commission?

12 **MS. BURL:** If the carrier operates on a calendar year basis, the carrier has to file
13 its report by April 30th each year. If they report on a fiscal year basis, they have to
14 file it 120 days after the last day of their fiscal year.

15 **MR. RACHAL:** And how are carriers notified of the requirement to file annual
16 reports with the Commission?

17 **MS. BURL:** When their authority is granted, they are given a cover letter
18 indicating that annual reports will be required every year, and then each year in
19 November, Commission Staff sends a courtesy packet that includes a blank annual
20 report with all the details of when it should be filed.

21 **MR. RACHAL:** And are you familiar with the carrier cited in this docket?

22 **MS. BURL:** Yes, CM Movers LLC.

1 **MR. RACHAL:** And is this carrier regulated by the LPSC under the Common
2 Carrier Certificate Number 8323-A?

3 **MS. BURL:** Yes.

4 **MR. RACHAL:** And does this carrier file annual reports on a calendar year basis?

5 **MS. BURL:** Yes.

6 **MR. RACHAL:** So when would this particular carrier's annual report be due?

7 **MS. BURL:** The 2023 annual report was due April 30, 2024.

8 **MR. RACHAL:** And was this carrier mailed a courtesy annual compliance notice
9 detailing how and by when to file annual reports with the Commission?

10 **MS. BURL:** Yes.

11 **MR. RACHAL:** And did this carrier timely submit an annual report for the year
12 2023?

13 **MS. BURL:** No.

14 **MR. RACHAL:** You have a document before you, which has been marked as
15 Staff Exhibit 1. Do you recognize this document?

16 **MS. BURL:** Yes. This is the tentative hearing letter sent to CM Movers LLC.

17 **MR. RACHAL:** And what was the date the Commission sent this document?

18 **MS. BURL:** May 15, 2024.

19 **MR. RACHAL:** And what is the carrier's address on this document?

20 **MS. BURL:** 1000 Phosphor Avenue, Metairie, Louisiana 70005.

21 **MR. RACHAL:** And is this the same address that's on file with the Commission?

22 **MS. BURL:** Yes.

23 **MR. RACHAL:** And what does this document indicate?

1 **MS. BURL:** It notifies CM Movers LLC that we did not receive their 2023 annual
2 report by the April 30th deadline, that a \$500 late fee had been assessed to their
3 account, and if both the annual report and \$500 late fee were not received by June
4 14, 2024, that the Commission would issue a citation to the carrier.

5 **MR. RACHAL:** And is this your signature on the tentative hearing letter?

6 **MS. BURL:** Yes.

7 **MR. RACHAL:** And did you prepare this tentative hearing letter for mailing and
8 mail it to the carrier?

9 **MS. BURL:** It was prepared by my Staff under my direction and it was generated
10 out of the database with my signature.

11 **MR. RACHAL:** And did the U.S. Postal Service return the letter as undeliverable
12 for any reason?

13 **MS. BURL:** No.

14 **MR. RACHAL:** Your Honor, Staff moves to offer, file, and introduce into
15 evidence Staff Exhibit 1, the tentative hearing letter sent to the carrier.

16 **JUDGE FREY:** Staff Exhibit 1 is admitted.

17 **MR. RACHAL:** Thank you, Your Honor. After the tentative hearing letter was
18 sent, did the carrier timely file its annual report for the Year 2023?

19 **MS. BURL:** No.

20 **MR. RACHAL:** After the carrier's failure to file its annual report, what action did
21 the Transportation Division take next?

22 **MS. BURL:** We proceeded to issue a citation to CM Movers LLC.

1 **MR. RACHAL:** You have a document before you marked as Staff Exhibit 2, in
2 globo. Do you recognize this document?

3 **MS. BURL:** Yes, this is a citation issued to CM Movers LLC.

4 **MR. RACHAL:** And when did the Commission send this document?

5 **MS. BURL:** It was mailed on July 3, 2024.

6 **MR. RACHAL:** And what is the carrier's address on this document?

7 **MS. BURL:** 1000 Phosphor Avenue, Metairie, Louisiana 70005.

8 **MR. RACHAL:** And is this the same address that's on file with the Commission?

9 **MS. BURL:** Yes.

10 **MR. RACHAL:** And is this your signature on the citation?

11 **MS. BURL:** Yes.

12 **MR. RACHAL:** And did you prepare this citation for mailing and mail it to the
13 carrier?

14 **MS. BURL:** It was prepared by my Staff under my direction and mailed by the
15 Staff.

16 **MR. RACHAL:** And were there any documents attached to this citation?

17 **MS. BURL:** Yes, the May 15, 2024 tentative hearing letter.

18 **MR. RACHAL:** And did the citation provide the carrier notice that a citation fee
19 in the amount of \$25 had been assessed to the carrier's account?

20 **MS. BURL:** Yes.

21 **MR. RACHAL:** And did the citation provide the carrier notice that an order may
22 be issued by the Commission cancelling the carrier's common carrier certificate for

1 failure to file an annual report for 2023 and requiring the carrier to pay a late filing
2 fee of \$500?

3 **MS. BURL:** Yes.

4 **MR. RACHAL:** And what was the hearing date, time, and location provided in
5 the citation?

6 **MS. BURL:** Wednesday, August 21, 2024 at 9:30 A.M. here at the Louisiana
7 Public Service Commission in the Galvez Building.

8 **MR. RACHAL:** And was notice of the citation published and available to the
9 general public in the Commission's Official Bulletin?

10 **MS. BURL:** Yes.

11 **MR. RACHAL:** Your Honor, Staff moves to offer, file, and introduce into
12 evidence Staff Exhibit 2, in globo, the citation with the tentative hearing letter as
13 an attachment.

14 **JUDGE FREY:** Staff Exhibit 2, in globo, is admitted.

15 **MR. RACHAL:** Thank you. Was the citation sent by certified mail with a return
16 receipt requested as well as by regular U.S. mail?

17 **MS. BURL:** Yes.

18 **MR. RACHAL:** And was the regular mail returned for any reason?

19 **MS. BURL:** No.

20 **MR. RACHAL:** And have you received a return receipt from the certified
21 mailing?

22 **MS. BURL:** No.

1 **MR. RACHAL:** You have a document in front of you marked as Staff Exhibit 3.
2 Do you recognize this document?

3 **MS. BURL:** Yes. This is a copy of the front and back of the certified mailing
4 envelope that was sent to the carrier and returned back to the Commission.

5 **MR. RACHAL:** And what does the return receipt for the certified mailing of the
6 citation to the cited carrier indicate?

7 **MS. BURL:** There is a yellow label on the left-hand side, says return to sender,
8 unclaimed, unable to forward.

9 **MR. RACHAL:** And is there a date this was received by the Commission?

10 **MS. BURL:** It was received August 5, 2024.

11 **MR. RACHAL:** And what is the address that's on the envelope?

12 **MS. BURL:** 1000 Phosphor Avenue, Metairie, Louisiana 70005.

13 **MR. RACHAL:** And this is the same -- is this the file the carrier has with -- the
14 same address that's on file with the Commission?

15 **MS. BURL:** Yes.

16 **MR. RACHAL:** Is there any markings or any other dates on the envelope?

17 **MS. BURL:** It appears to the right-hand side of the front of the envelope it says
18 notified 7/10/24.

19 **MR. RACHAL:** And does the tracking number, ending in 1161, match the ending
20 numbers on the citation?

21 **MS. BURL:** Yes.

22 **MR. RACHAL:** And there appears to be another document at the end part -- the
23 second part of this exhibit, the second page. Can you identify that document?

1 **MS. BURL:** Yes. This is the receipt that the Commission keeps with the citation
2 when the citation is mailed certified.

3 **MR. RACHAL:** And the address on here is the same address that's on file with
4 the Commission?

5 **MS. BURL:** Yes.

6 **MR. RACHAL:** And the last four digits, 1161, match the last four on the citation?

7 **MS. BURL:** Yes.

8 **MR. RACHAL:** Your Honor, Staff moves to offer, file, and introduce into
9 evidence Staff Exhibit 3, the green card -- I mean, the certified envelope. You have
10 the original for your inspection.

11 **JUDGE FREY:** I have what has been identified as Staff Exhibit 3, which includes
12 a front and back copy of the certified mail envelope ending in 1161. I can state that
13 that does match the original envelope that I have also been presented. Ms. Burl has
14 identified an attachment in addition to the front and back copy of the envelope. In
15 light of that, would Staff like to mark this as an in globo exhibit?

16 **MR. RACHAL:** Yes, Your Honor, please.

17 **JUDGE FREY:** Staff Exhibit 3, in globo, is admitted.

18 **MR. RACHAL:** Thank you, Your Honor. At any point during this citation
19 process, has the carrier filed the appropriate documents to change its address on file
20 with the Commission?

21 **MS. BURL:** No.

22 **MR. RACHAL:** And have you been in contact with anyone representing the
23 carrier since the citation was mailed?

1 **MS. BURL:** No.

2 **MR. RACHAL:** And as of today, has the carrier filed with the Commission its
3 annual report for the year 2023?

4 **MS. BURL:** No.

5 **MR. RACHAL:** As of today, has a representative of the carrier filed the
6 appropriate documents to close its authority granted by the Commission?

7 **MS. BURL:** No.

8 **MR. RACHAL:** Is Staff seeking that the carrier be found guilty of failing to file
9 its 2023 annual report and that Common Carrier Certificate Number 8323-A be
10 cancelled?

11 **MS. BURL:** Yes.

12 **MR. RACHAL:** And does Staff also seek that the carrier be assessed and ordered
13 to pay a late filing fee in the amount of \$500?

14 **MS. BURL:** Yes.

15 **MR. RACHAL:** And is Staff also seeking that the carrier be assessed and ordered
16 to pay a citation fee in the amount of \$25?

17 **MS. BURL:** Yes.

18 **MR. RACHAL:** That's all the questions I have, Your Honor.

19 **JUDGE FREY:** Thank you. Ms. Burl, do you have what was admitted as Staff
20 Exhibit 3, in globo, in front of you?

21 **MS. BURL:** I do.

22 **JUDGE FREY:** And you testified with regard to a marking that you indicated said
23 notified 7/10/24; is that correct?

1 **MS. BURL:** Yes.

2 **JUDGE FREY:** Was this marking made by Commission Staff?

3 **MS. BURL:** No.

4 **JUDGE FREY:** Do you have an opinion as to where this marking may have come
5 from?

6 **MS. BURL:** It is my assumption that it's made by the postal carrier.

7 **JUDGE FREY:** Is there anything under 7/10/24 on the envelope?

8 **MS. BURL:** It appears maybe to be initials or scratchings of maybe an H and a C.

9 **JUDGE FREY:** All right. And you testified that the regular mail sent to the
10 carrier's address on file for the Commission was not returned; is that correct?

11 **MS. BURL:** That's correct.

12 **JUDGE FREY:** And same thing with the tentative hearing letter, regular mail sent
13 to the address on file was not returned?

14 **MS. BURL:** That's correct.

15 **JUDGE FREY:** Thank you. I have no further questions for Ms. Burl. Any follow
16 up, Mr. Rachal?

17 **MR. RACHAL:** No, Your Honor.

18 **JUDGE FREY:** You may proceed.

19 **MR. RACHAL:** Thank you. In closing, Your Honor, Commission Staff submits
20 that it has borne the burden of proving by documentary and testimony evidence that
21 CM Movers LLC violated Commission's General Order 2 dated July 1, 1921 and
22 General Order dated March 18, 2021 by failing to submit its annual report. As Ms.
23 Burl indicated, Staff is seeking that the company be found guilty of this violation

1 and that the Common Carrier Certificate Number 8323-A be cancelled and that the
2 carrier be ordered to pay a \$500 late fee and a citation fee of \$25.

3 **JUDGE FREY:** If there is nothing further, this matter is adjourned.

4

5 **DOCKET NO. T-37261**

6 **JUDGE FREY:** The next matter on the docket is Docket Number T-37261 -
7 Louisiana Public Service Commission versus Conley Bulk Services, LLC. In re:
8 Cancellation of Common Carrier Certificate Number 8491 for failure to file an
9 annual report for 2023 and/or pay a late filing fee of \$500 and a citation fee of \$25
10 as required by General Order 2 dated July 1, 1921 and General Order dated March
11 18, 2021. Would the parties present please make their appearances for the record?

12 **MR. RACHAL:** Paul Rachal on behalf of Staff.

13 **JUDGE FREY:** Let the record reflect that there is no one present on behalf of
14 Conley Bulk Services, LLC. How does the Staff plan to move forward with this
15 matter this morning?

16 **MR. RACHAL:** Your Honor, Staff plans to move forward with this docket.

17 **JUDGE FREY:** You may proceed, Mr. Rachal.

18 **MR. RACHAL:** Thank you, Your Honor. Your Honor, Staff is prepared to prove
19 through both documentary and testimonial evidence that the carrier cited in this
20 docket, Conley Bulk Services, LLC, failed to file an annual report for the year 2023
21 as required by General Order 2 dated July 1, 1921 and General Order dated March
22 18, 2021. As a result of that failure and at the conclusion of this hearing, Staff will
23 request that the carrier be found guilty of the aforementioned violation, and that its

1 Common Carrier Certificate Number 8491 be cancelled, that a \$500 late fee be
2 assessed to the carrier, as well as a \$25 citation fee. We'd like to call our only
3 witness, Ms. Tammy Burl.

4 **Tammy Burl, after having been previously duly sworn, testified as follows:**

5 **JUDGE FREY:** You may proceed, Mr. Rachal.

6 **DIRECT EXAMINATION BY MR. PAUL RACHAL**

7 **MR. RACHAL:** Thank you. Can you please state your name and business address
8 for the record?

9 **MS. BURL:** 602 North 5th Street, Baton Rouge, Louisiana 70802.

10 **MR. RACHAL:** And by whom are you employed?

11 **MS. BURL:** The Louisiana Public Service Commission's Transportation Division
12 as the Transportation Administrator.

13 **MR. RACHAL:** And what are your job duties as Transportation Administrator?

14 **MS. BURL:** I oversee the day-to-day operations of the division for the regulated
15 motor carriers. I also oversee the employees that provide the compliance review
16 for annual reports, insurance, inspection/supervision fees, and renewals.

17 **MR. RACHAL:** And which LPSC orders require carriers to file annual reports?

18 **MS. BURL:** General Order Number 2 dated July 1, 1921 and General Order dated
19 March 18, 2021.

20 **MR. RACHAL:** And which Commission order authorizes the assessment of a
21 \$500 late filing fee when carriers do not timely file annual reports?

22 **MS. BURL:** The General Order dated March 18, 2021.

1 **MR. RACHAL:** And which Commission order authorizes the assessing of --
2 assessing a \$25 citation fee?

3 **MS. BURL:** The General Order dated June 7, 2006.

4 **MR. RACHAL:** And which statute gives the Commission authority to cancel a
5 motor carrier's authority?

6 **MS. BURL:** Title 45:166.

7 **MR. RACHAL:** And when are carriers required to file annual reports with the
8 Commission?

9 **MS. BURL:** If they operate on a calendar year end basis, it's due April 30th each
10 year. If they operate on a fiscal year end, it is due 120 days after the last day of
11 their fiscal year.

12 **MR. RACHAL:** And how are carriers notified of the requirement to file annual
13 reports with the Commission?

14 **MS. BURL:** When their authority is granted, they are sent a cover letter indicating
15 that annual reports will be due each year, and then again in November, we send a
16 courtesy packet to each motor carrier that has a blank annual report and instructions
17 on how to file those annual reports.

18 **MR. RACHAL:** And are you familiar with the carrier cited in this docket?

19 **MS. BURL:** Yes, Conley Bulk Services, LLC.

20 **MR. RACHAL:** And is the carrier regulated by the LPSC under the Common
21 Carrier Certificate Number 8491?

22 **MS. BURL:** Yes.

23 **MR. RACHAL:** And does this carrier file annual reports on a calendar year basis?

1 **MS. BURL:** Yes.

2 **MR. RACHAL:** So when would this particular carrier's annual report be due?

3 **MS. BURL:** Their 2023 annual report would be due April 30, 2024.

4 **MR. RACHAL:** And was the carrier mailed a courtesy annual compliance notice

5 detailing how and by when to file annual reports with the Commission?

6 **MS. BURL:** Yes.

7 **MR. RACHAL:** And did this carrier timely submit an annual report for the year

8 2023?

9 **MS. BURL:** No.

10 **MR. RACHAL:** You have a document before you marked as Staff Exhibit 1. Can

11 you identify this document?

12 **MS. BURL:** Yes. This is the tentative hearing letter sent to Conley Bulk Services,

13 LLC on May 15, 2024.

14 **MR. RACHAL:** And what is the carrier's address on this document?

15 **MS. BURL:** 2100 Brookwood Drive, Little Rock, Arkansas 72202.

16 **MR. RACHAL:** And this is the same address that's on file with the Commission

17 for this carrier?

18 **MS. BURL:** Yes.

19 **MR. RACHAL:** And what does this document indicate?

20 **MS. BURL:** It notifies the carrier that their 2023 annual report was not received

21 by the due date of April 30, 2024, that a \$500 late fee had been assessed to their

22 account, and if both the annual report and the \$500 late fee are not received by June

23 14, 2024, the Commission will proceed to issue a citation to the carrier.

1 **MR. RACHAL:** And is this your signature on the tentative hearing letter?

2 **MS. BURL:** Yes.

3 **MR. RACHAL:** And did you prepare this tentative hearing letter for mailing and

4 mail it to the carrier?

5 **MS. BURL:** It was prepared by my previous Staff members under my direction

6 and it was generated automatically out of our database.

7 **MR. RACHAL:** And did the U.S. Postal Service return this letter as undeliverable

8 for any reason?

9 **MS. BURL:** No.

10 **MR. RACHAL:** Your Honor, Staff moves to offer, file, and introduce into

11 evidence Staff Exhibit 1, the tentative hearing letter sent to the carrier.

12 **JUDGE FREY:** Staff Exhibit 1 is admitted.

13 **MR. RACHAL:** Thank you. And after the tentative hearing letter was sent, did

14 the carrier timely file its annual report for the year 2023?

15 **MS. BURL:** No, they did not.

16 **MR. RACHAL:** And after the carrier's failure to file its annual report, what action

17 did the Transportation Division take next?

18 **MS. BURL:** We proceeded to issue a citation to Conley Bulk Services, LLC.

19 **MR. RACHAL:** You have a document before you marked as Staff Exhibit 2, in

20 globo. Do you recognize this document?

21 **MS. BURL:** Yes, this is a copy of the citation issued to the carrier.

22 **MR. RACHAL:** And when did the Commission send this document?

23 **MS. BURL:** It was mailed July 3, 2024.

1 **MR. RACHAL:** And what is the carrier's address on this document?

2 **MS. BURL:** 2100 Brookwood Drive, Little Rock, Arkansas 72202.

3 **MR. RACHAL:** And is this the same address that's on file with the Commission?

4 **MS. BURL:** Yes.

5 **MR. RACHAL:** And is this your signature on the citation?

6 **MS. BURL:** Yes.

7 **MR. RACHAL:** And did you prepare this citation for mailing and mail it to the

8 carrier?

9 **MS. BURL:** It was prepared by my Staff for my signature and it was mailed by

10 my Staff under my direction.

11 **MR. RACHAL:** And were there any documents attached to this letter?

12 **MS. BURL:** Yes, the May 15, 2024 tentative hearing letter.

13 **MR. RACHAL:** And did the citation provide the carrier notice that a citation fee

14 in the amount of \$25 had been assessed to the carrier's account?

15 **MS. BURL:** Yes.

16 **MR. RACHAL:** And did the citation provide the carrier notice that an order may

17 be issued by the Commission cancelling the carrier's common carrier certificate for

18 failure to file an annual report for 2023 and/or requiring the carrier to pay a late

19 filing fee of \$500?

20 **MS. BURL:** Yes.

21 **MR. RACHAL:** And what were the hearing date, time, and location provided in

22 the citation?

1 **MS. BURL:** Wednesday, August 21, 2024 at 9:30 A.M. here at the Public Service
2 Commission in the Galvez Building.

3 **MR. RACHAL:** And was notice of the citation published and made available to
4 the general public in the Commission's Official Bulletin?

5 **MS. BURL:** Yes.

6 **MR. RACHAL:** Your Honor, Staff moves to offer, file, and introduce into
7 evidence Staff Exhibit 2, in globo, the citation with the tentative hearing letter as
8 an attachment.

9 **JUDGE FREY:** Staff Exhibit 2, in globo, is admitted.

10 **MR. RACHAL:** Thank you. Was the citation sent by certified mail with a return
11 receipt requested as well as by regular U.S. mail?

12 **MS. BURL:** Yes.

13 **MR. RACHAL:** And was the regular mail returned for any reason?

14 **MS. BURL:** No.

15 **MR. RACHAL:** And have you received a return receipt from the certified
16 mailing?

17 **MS. BURL:** Yes.

18 **MR. RACHAL:** You have in front of you a document marked as Staff Exhibit 3.
19 Do you recognize this document?

20 **MS. BURL:** Yes, this is a copy of the green card received back at the Commission.

21 **MR. RACHAL:** And what is the carrier's address on this document?

22 **MS. BURL:** 2100 Brookwood Drive, Little Rock, Arkansas 72202.

23 **MR. RACHAL:** And is that the same address that's on file with the Commission?

1 **MS. BURL:** Yes.

2 **MR. RACHAL:** And is there a signature?

3 **MS. BURL:** Yes.

4 **MR. RACHAL:** Are there two -- is there a signature and a printed name?

5 **MS. BURL:** Yes.

6 **MR. RACHAL:** And is there a date next to the printed name?

7 **MS. BURL:** Yes, that appears to be 7/11/24, maybe.

8 **MR. RACHAL:** And is there a docket number at the bottom of the green card?

9 **MS. BURL:** Yes, T-37261.

10 **MR. RACHAL:** And is there a date that the Commission received this green card

11 back?

12 **MS. BURL:** Yes, July 22, 2024.

13 **MR. RACHAL:** And does the tracking number on this document, ending in 1178,

14 match the last four numbers of the certified mail receipt shown on the citation?

15 **MS. BURL:** Yes.

16 **MR. RACHAL:** And can you identify the other document that's on here with the

17 back and front of the green card?

18 **MS. BURL:** That's an image of the certified mail receipt that Staff keeps with the

19 citation.

20 **MR. RACHAL:** And the date -- I mean, the carrier's address on that is the same

21 that's on file with the Commission?

22 **MS. BURL:** Yes.

1 **MR. RACHAL:** And the last four digits on the left side, 1178, those match the
2 last four digits on the citation?

3 **MS. BURL:** Yes.

4 **MR. RACHAL:** Your Honor, Staff moves to offer, file, and introduce into
5 evidence Staff Exhibit 3, the green card, and you have the original for your
6 inspection.

7 **JUDGE FREY:** I have what has been offered as Staff Exhibit 3 and I have the
8 original certified mail return receipt. And the copies of the certified mail return
9 receipt of the front and back that are included on what was offered as Staff Exhibit
10 3 match the original certified mail receipt

11 **MR. RACHAL:** Thank you, Your Honor.

12 **JUDGE FREY:** Staff Exhibit 3 is admitted.

13 **MR. RACHAL:** Thank you. At any point during the citation process, has the
14 carrier filed the appropriate documents to change its address on file -- that's on file
15 with the Commission?

16 **MS. BURL:** No.

17 **MR. RACHAL:** Have you been in contact with anyone representing the carrier
18 since the citation was mailed?

19 **MS. BURL:** No.

20 **MR. RACHAL:** As of today, has the carrier filed with the Commission its annual
21 report for the year 2023?

22 **MS. BURL:** No.

1 **MR. RACHAL:** As of today, has a representative of the carrier filed the
2 appropriate documents to close its authority granted by the Commission?
3 **MS. BURL:** No.
4 **MR. RACHAL:** Is Staff seeking that the carrier be found guilty of failing to file
5 its 2023 annual report and that Common Carrier Certificate Number 8491 be
6 cancelled?
7 **MS. BURL:** Yes.
8 **MR. RACHAL:** And does Staff also seek that the carrier be assessed and ordered
9 to pay a late filing fee in the amount of \$500?
10 **MS. BURL:** Yes.
11 **MR. RACHAL:** And is Staff also seeking that the carrier be assessed and ordered
12 to pay a citation fee in the amount of \$25?
13 **MS. BURL:** Yes.
14 **MR. RACHAL:** That is all the questions I have, Your Honor.
15 **JUDGE FREY:** Thank you. Ms. Burl, for the purposes of this question, I am
16 going to present Ms. Burl with the original certified mail return receipt. I believe
17 you identified Staff Exhibit 3, in globo -- I mean, I'm sorry, just Staff Exhibit 3,
18 which is a copy of the certified mail receipt and that it was returned to the
19 Commission on July 22nd, is that correct?
20 **MS. BURL:** That's correct.
21 **JUDGE FREY:** Does there appear to be handwriting on the numerals "22" and
22 July 22nd on the received stamp by the Commission?
23 **MS. BURL:** Yes.

1 **JUDGE FREY:** Do you know how that handwriting came to be there?

2 **MS. BURL:** Yes. I directed my Staff that if the received date is not clear, that
3 they are to handwrite the date to make clear when it was actually received.

4 **JUDGE FREY:** Okay. Is that to help it show up on photocopies or what is the
5 purpose of handwriting over the stamp?

6 **MS. BURL:** Obviously, when this was stamped, the number “22” did not show up
7 at all, so my Staff put 22 there so we would know when it was actually received at
8 the Commission.

9 **JUDGE FREY:** All right. Thank you, Ms. Burl. I have no further questions for
10 Ms. Burl. Do you have any follow up, Mr. Rachal?

11 **MR. RACHAL:** No, Your Honor.

12 **JUDGE FREY:** You may proceed.

13 **MR. RACHAL:** In closing, Your Honor, Commission Staff submits that it has
14 borne the burden of proving by documentary and testimonial evidence that Conley
15 Bulk Services, LLC violated Commission’s General Order 2 dated July 1, 1921 and
16 General Order dated March 18, 2021 by failing to submit an annual report. As Ms.
17 Burl indicated, Staff is seeking that the company be found guilty of this violation
18 and that the Common Carrier Certificate Number 8491 be cancelled and that the
19 carrier be ordered to pay a \$500 late fee and a citation fee of \$25.

20 **JUDGE FREY:** Thank you. If nothing further is to be presented on this matter, it
21 is adjourned. Just, I note we’ve been at it for about two hours and it looks like we
22 have a handful more to go. Is anyone interested in a brief break at this time or do
23 we want to move on?

1 **MS. BURL:** I'm good.

2 **MR. RACHAL:** I'm good.

3 **JUDGE FREY:** Okay. If at any point in a break in the proceedings, someone
4 needs to take a break, just let me know.

5

6 **DOCKET NO. T-37262**

7 **JUDGE FREY:** The next matter on the docket this morning is Docket Number T-
8 37262 - Louisiana Public Service Commission versus Cool Runnings
9 Transportation LLC dba Cool Runnings Transportation. In re: Cancellation of
10 Common Carrier Certificate Number 8508 for failure to file an annual report for
11 2023 and/or pay a late filing fee of \$500 and a citation fee of \$25 as required by
12 General Order 2 dated July 1, 1921 and General Order dated March 18, 2021.
13 Would Counsel for Commission Staff please make your appearance for the record?

14 **MR. RACHAL:** Paul Rachal on behalf of Staff.

15 **JUDGE FREY:** Let the record reflect that there is no one present in the Courtroom
16 this morning on behalf of Cool Runnings Transportation LLC. How do you plan
17 to move forward this morning, Mr. Rachal?

18 **MR. RACHAL:** Your Honor, Staff plans to move forward with this docket. Your
19 Honor, Staff is prepared to prove through both documentary and testimonial
20 evidence that the carrier cited in this docket, Cool Runnings Transportation LLC,
21 failed to file an annual report for the year 2023 as required by General Order 2 dated
22 July 1, 1921 and General Order dated March 18, 2021. As a result of that failure
23 and at the conclusion of this hearing, Staff will request that the carrier be found

1 guilty of the aforementioned violation, and that its Common Carrier Certificate
2 Number 8508 be cancelled, that a \$500 late fee be assessed to the carrier, as well
3 as a \$25 citation fee. We would like to call our only witness, Ms. Tammy Burl.
4 **Tammy Burl, after having been previously duly sworn, testified as follows:**
5 **JUDGE FREY:** You may proceed, Mr. Rachal.
6 **DIRECT EXAMINATION BY MR. PAUL RACHAL**
7 **MR. RACHAL:** Thank you, Your Honor. Can you please state your name and
8 business address for the record?
9 **MS. BURL:** Tammy Burl. 602 North 5th Street, Baton Rouge, Louisiana 70802.
10 **MR. RACHAL:** And by whom are you employed?
11 **MS. BURL:** The Louisiana Public Service Commission's Transportation Division
12 as the Transportation Administrator.
13 **MR. RACHAL:** And what are some of your job duties as Transportation
14 Administrator?
15 **MS. BURL:** I oversee the day-to-day operations of the division as well as the
16 employees who maintain compliance for annual reports, insurance,
17 inspection/supervision fees, and renewals.
18 **MR. RACHAL:** And which LPSC order requires carriers to file annual reports?
19 **MS. BURL:** General Order Number 2 dated July 1, 1921 and General Order dated
20 March 18, 2021.
21 **MR. RACHAL:** And which Commission order authorizes the assessment of a
22 \$500 late filing fee when carriers do not timely file annual reports?
23 **MS. BURL:** The General Order dated March 18, 2021.

1 **MR. RACHAL:** And which Commission order authorizes assessing a \$25 citation
2 fee?

3 **MS. BURL:** The General Order dated June 7, 2006.

4 **MR. RACHAL:** And which statute gives the Commission authority to cancel a
5 motor carrier's authority?

6 **MS. BURL:** Title 45:166.

7 **MR. RACHAL:** And when are carriers required to file annual reports with the
8 Commission?

9 **MS. BURL:** For a carrier that operates on a calendar year end, it's due April 30th
10 each year. For those carriers that operate on a fiscal year end, it's due 120 days
11 after the last day of their fiscal year.

12 **MR. RACHAL:** And how are carriers notified of the requirement to file annual
13 reports with the Commission?

14 **MS. BURL:** When their authority is granted, they're given a cover letter that
15 indicates annual reports are to be filed every year with the due dates. In addition,
16 in November, we send out a courtesy packet to the carriers that includes a blank
17 annual report with all of the instructions to file those reports.

18 **MR. RACHAL:** And are you familiar with the carrier cited in this docket?

19 **MS. BURL:** Yes.

20 **MR. RACHAL:** And is the carrier regulated by the LPSC under the Common
21 Carrier Certificate Number 8508?

22 **MS. BURL:** Yes.

23 **MR. RACHAL:** And does this carrier file annual reports on a calendar year basis?

1 **MS. BURL:** Yes.

2 **MR. RACHAL:** So when would this particular carrier's annual report be due?

3 **MS. BURL:** Their 2023 annual report was due April 30, 2024.

4 **MR. RACHAL:** And was this carrier mailed a courtesy annual compliance notice

5 detailing how and by when to file annual reports with the Commission?

6 **MS. BURL:** Yes.

7 **MR. RACHAL:** And did this carrier timely submit an annual report for the year

8 2023?

9 **MS. BURL:** No.

10 **MR. RACHAL:** You have a document before you that's been marked as Staff

11 Exhibit 1. Do you recognize this document?

12 **MS. BURL:** Yes. This is the tentative hearing letter sent to Cool Runnings

13 Transportation LLC on May 15, 2024.

14 **MR. RACHAL:** And what is the carrier's address on that document?

15 **MS. BURL:** 30 Lake Powell Court, Harvey, Louisiana 70058.

16 **MR. RACHAL:** And is this the same address that's on file with the Commission?

17 **MS. BURL:** Yes.

18 **MR. RACHAL:** And what does this document indicate?

19 **MS. BURL:** It notifies the carrier that their 2023 annual report had not been

20 received by the due date of April 30th, that a late fee of 500 had been assessed to

21 their account, and if both the annual report and \$500 late fee were not received by

22 June 14, 2024, the Commission would proceed to issue a citation to the carrier.

23 **MR. RACHAL:** And is this your signature on the tentative hearing letter?

1 **MS. BURL:** Yes.

2 **MR. RACHAL:** And did you prepare this tentative hearing letter for mailing and
3 mail it to the carrier?

4 **MS. BURL:** It was prepared by my Staff. It is autogenerated through our database,
5 but that was under my direction.

6 **MR. RACHAL:** And did the U.S. Postal Service return the letter as undeliverable
7 for any reason?

8 **MS. BURL:** No.

9 **MR. RACHAL:** Your Honor, Staff moves to offer, file, introduce into evidence
10 Staff Exhibit 1, the tentative hearing letter sent to the carrier.

11 **JUDGE FREY:** Staff Exhibit 1 is admitted.

12 **MR. RACHAL:** Thank you. After the tentative hearing letter was sent, did the
13 carrier timely file its annual report for the year 2023?

14 **MS. BURL:** No.

15 **MR. RACHAL:** After the carrier's failure to file its annual report, what action did
16 the Transportation Division take next?

17 **MS. BURL:** We proceeded to issue a citation to Cool Runnings Transportation
18 LLC dba Cool Runnings Transportation.

19 **MR. RACHAL:** And you have a document before you that's been marked as Staff
20 Exhibit 2, in globo. Do you recognize this document?

21 **MS. BURL:** Yes, this is a copy of the citation issued to the carrier.

22 **MR. RACHAL:** And what date did the Commission send this document?

23 **MS. BURL:** It was mailed July 3, 2024.

1 **MR. RACHAL:** And what is the carrier's address on this document?

2 **MS. BURL:** 30 Lake Powell Court, Harvey, Louisiana 70058.

3 **MR. RACHAL:** And is that the same address that's on file with the Commission?

4 **MS. BURL:** Yes.

5 **MR. RACHAL:** And is this your signature on the citation?

6 **MS. BURL:** Yes.

7 **MR. RACHAL:** And did you prepare this citation for mailing and mail it to the

8 carrier?

9 **MS. BURL:** It was prepared for my signature by my Staff under my direction and

10 also it was mailed by my Staff.

11 **MR. RACHAL:** And were there any documents attached to this citation?

12 **MS. BURL:** Yes, the May 15, 2024 tentative hearing letter.

13 **MR. RACHAL:** And did the citation provide the carrier notice that a citation fee

14 in the amount of \$25 had been assessed to the carrier's account?

15 **MS. BURL:** Yes.

16 **MR. RACHAL:** And did the citation provide the carrier notice that an order may

17 be issued by the Commission cancelling the carrier's common carrier certificate for

18 failure to file an annual report for 2023 and/or requiring the carrier to pay a late

19 filing fee of \$500?

20 **MS. BURL:** Yes.

21 **MR. RACHAL:** And what were the hearing date, time, and location provided in

22 the citation?

1 **MS. BURL:** Wednesday, August 21, 2024 at 9:30 A.M. here at the Louisiana
2 Public Service Commission in the Galvez Building.

3 **MR. RACHAL:** And was notice of the citation published and available to the
4 general public in the Commission's Official Bulletin?

5 **MS. BURL:** Yes.

6 **MR. RACHAL:** Your Honor, Staff moves to offer, file, introduce into evidence
7 Staff Exhibit 2, in globo, which includes the citation and the tentative hearing letter
8 as an attachment.

9 **JUDGE FREY:** Staff Exhibit 2, in globo, is admitted.

10 **MR. RACHAL:** Thank you. Was the citation sent by certified mail with a return
11 receipt requested as well as by regular U.S. mail?

12 **MS. BURL:** Yes.

13 **MR. RACHAL:** And was the regular mail returned for any reason?

14 **MS. BURL:** No.

15 **MR. RACHAL:** And have you returned a return receipt -- have you received a
16 return receipt from the certified mailing?

17 **MS. BURL:** Yes, we received a green card.

18 **MR. RACHAL:** You have a document in front of you marked as Staff Exhibit 3.
19 Do you recognize this document?

20 **MS. BURL:** Yes, this is a copy of the front and back of the green card.

21 **MR. RACHAL:** And what is the carrier's address that's on this document?

22 **MS. BURL:** 30 Lake Powell Court, Harvey, Louisiana 70058.

23 **MR. RACHAL:** And is that the same address that's on file with the Commission?

1 **MS. BURL:** Yes.

2 **MR. RACHAL:** And does there appear to be a signature on this document?

3 **MS. BURL:** Yes.

4 **MR. RACHAL:** And is there a date of delivery on this document?

5 **MS. BURL:** Yes, 7/10.

6 **MR. RACHAL:** And is there a date the Commission received this document back?

7 **MS. BURL:** Yes, July 23, 2024.

8 **MR. RACHAL:** And does the tracking number on this document, ending in 1185,

9 match the last four numbers of the certified mail receipt shown on the citation?

10 **MS. BURL:** Yes.

11 **MR. RACHAL:** And is there a docket number at the bottom of this green card?

12 **MS. BURL:** Yes, T-37262.

13 **MR. RACHAL:** And does there appear to be another document on here, as well,

14 with the green card?

15 **MS. BURL:** Yes, there's also a copy of the U.S. mail receipt that is -- that we keep

16 here, attached to the citation.

17 **MR. RACHAL:** And is the address that's on this the same address that's on file

18 with the Commission?

19 **MS. BURL:** Yes.

20 **MR. RACHAL:** And then the last four digits, 1185, are those the same digits --

21 the last four digits on the citation?

22 **MS. BURL:** Yes.

1 **MR. RACHAL:** Your Honor, Staff moves to offer, file, and introduce into
2 evidence Staff Exhibit 3, in globo, the green card. You also have the original copy
3 for your inspection.

4 **JUDGE FREY:** Just for housekeeping, when it's been on one page, we haven't
5 been making it an in globo exhibit. For consistency, do we want to just make it 3?

6 **MR. RACHAL:** We'll just make -- we'll keep it at 3.

7 **JUDGE FREY:** Okay. So I do have in front of me what has been clarified as
8 offered as Staff Exhibit 3. I also have the original certified mail return receipt for
9 my inspection and confirm that the copies included with Staff Exhibit 3 of the
10 certified mail receipt match the front and back of the original. Staff Exhibit 3 is
11 admitted.

12 **MR. RACHAL:** Thank you. At any point during this citation process, has the
13 carrier filed the appropriate documents to change its address on file with the
14 Commission?

15 **MS. BURL:** No.

16 **MR. RACHAL:** Have you been in contact with anyone representing the carrier
17 since the citation was mailed?

18 **MS. BURL:** No.

19 **MR. RACHAL:** As of today, has the carrier filed with the Commission its annual
20 report for the year 2023?

21 **MS. BURL:** No.

22 **MR. RACHAL:** As of today, has a representative of the carrier filed the
23 appropriate documents to close its authority granted by the Commission?

1 **MS. BURL:** No.

2 **MR. RACHAL:** Is Staff seeking that the carrier be found guilty of failing to file
3 its 2023 annual report and that Common Carrier Certificate Number 8508 be
4 cancelled?

5 **MS. BURL:** Yes.

6 **MR. RACHAL:** And does Staff also seek that the carrier be assessed and ordered
7 to pay a late filing fee in the amount of \$500?

8 **MS. BURL:** Yes.

9 **MR. RACHAL:** And is Staff also seeking that the carrier be assessed and ordered
10 to pay a citation fee in the amount of \$25?

11 **MS. BURL:** Yes.

12 **MR. RACHAL:** No further questions, Your Honor.

13 **JUDGE FREY:** I have no questions for Ms. Burl. You may proceed, Mr. Rachal.

14 **MR. RACHAL:** In closing, Your Honor, Commission Staff submits that it has
15 borne the burden of proving by documentary and testimonial evidence that Cool
16 Runnings Transportation LLC violated Commission's General Order 2 dated July
17 1, 1921 and General Order dated March 18, 2021 by failing to submit an annual
18 report. As Ms. Burl indicated, Staff is seeking that the company be found guilty of
19 this violation and that Common Carrier Certificate Number 8508 be cancelled and
20 that the carrier be ordered to pay a \$500 late fee and a citation fee of \$25.

21 **JUDGE FREY:** If there is nothing further from Commission Staff, this matter is
22 adjourned.

23

1 **DOCKET NO. T-37263**

2 **JUDGE FREY:** The next matter on the docket this morning is Docket Number T-
3 37263 - Louisiana Public Service Commission versus CST Drilling Fluids, Inc. In
4 re: Cancellation of Common Carrier Certificate Number 7517 and 7578 for failure
5 to file an annual report for 2023 and/or pay a late filing fee of \$500 and a citation
6 fee of \$25 as required by General Order 2 dated July 1, 1921 and General Order
7 dated March 18, 2021. Would the parties present please make their appearances
8 for the record?

9 **MR. RACHAL:** Paul Rachal on behalf of Staff.

10 **JUDGE FREY:** Let the record reflect that there is no one present in the Courtroom
11 on behalf of CST Drilling Fluids, Inc. How does the Staff plan to move forward
12 this morning?

13 **MR. RACHAL:** Your Honor, Staff plans to move forward with this docket.

14 **JUDGE FREY:** You may proceed, Mr. Rachal.

15 **MR. RACHAL:** Thank you. Your Honor, Staff is prepared to prove through both
16 documentary and testimonial evidence that the carrier cited in this docket, CST
17 Drilling Fluids, Inc., failed to file an annual report for the year 2023 as required by
18 General Order 2 dated July 1, 1921 and General Order dated March 18, 2021. As
19 a result of that failure and at the conclusion of this hearing, Staff will request that
20 the carrier be found guilty of the aforementioned violation, and that its Common
21 Carrier Certificate Numbers 7517 and 7578 be cancelled, that a \$500 late fee be
22 assessed to the carrier, as well as a \$25 citation fee. We'd like to call our only
23 witness, Ms. Tammy Burl.

1 **Tammy Burl, after having been previously duly sworn, testified as follows:**

2 **JUDGE FREY:** You may proceed, Mr. Rachal.

3 **DIRECT EXAMINATION BY MR. PAUL RACHAL**

4 **MR. RACHAL:** Thank you. Can you please state your name and business address
5 for the record?

6 **MS. BURL:** Tammy Burl. 602 North 5th Street, Baton Rouge, Louisiana 70802.

7 **MR. RACHAL:** And by whom are you employed?

8 **MS. BURL:** The Louisiana Public Service Commission's Transportation Division
9 as the Transportation Administrator.

10 **MR. RACHAL:** And what are some of your job duties as Transportation
11 Administrator?

12 **MS. BURL:** I oversee the day-to-day operations of the division as well as the
13 employees who do the compliance for those regulated carriers for annual reports,
14 insurance, inspection/supervision fees, and renewals.

15 **MR. RACHAL:** And what LPSC orders require carriers to file annual reports?

16 **MS. BURL:** General Order Number 2 dated July 1, 1921 and General Order dated
17 March 18, 2021.

18 **MR. RACHAL:** And which Commission order authorizes the assessment of a
19 \$500 late filing fee when carriers do not timely file annual reports?

20 **MS. BURL:** General Order dated March 18, 2021.

21 **MR. RACHAL:** And which Commission order authorizes assessing a \$25 citation
22 fee?

23 **MS. BURL:** General Order dated June 7, 2006.

1 **MR. RACHAL:** And which statute gives the Commission authority to cancel a
2 motor carrier's authority?

3 **MS. BURL:** Title 45:166.

4 **MR. RACHAL:** And when are carriers required to file annual reports with the
5 Commission?

6 **MS. BURL:** For carriers that file on the calendar basis, they're due April 30th each
7 year. Those carriers that file on a fiscal year end, they're due 120 days after their
8 fiscal year ends.

9 **MR. RACHAL:** And how are carriers notified of the requirement to file annual
10 reports with the Commission?

11 **MS. BURL:** When their authority is granted, they are sent a cover letter letting
12 them know that they do have to make annual reports filings each year, and then in
13 November, we send a courtesy packet to the carrier that includes a blank annual
14 report and all the instructions in order to file those reports.

15 **MR. RACHAL:** And are you familiar with the carrier cited in this docket?

16 **MS. BURL:** Yes.

17 **MR. RACHAL:** And is the carrier regulated by the LPSC under the Common
18 Carrier Certificate Numbers 7517 and 7578?

19 **MS. BURL:** Yes.

20 **MR. RACHAL:** And does this carrier file an annual report on a calendar year
21 basis?

22 **MS. BURL:** Yes.

23 **MR. RACHAL:** So when would this particular carrier's annual report be due?

1 **MS. BURL:** Their 2023 annual report was due April 30, 2024.

2 **MR. RACHAL:** And was the carrier mailed a courtesy annual compliance notice
3 detailing how and by when to file annual reports with the Commission?

4 **MS. BURL:** Yes.

5 **MR. RACHAL:** And does this carrier timely submit -- did this carrier timely
6 submit an annual report for the year 2023?

7 **MS. BURL:** No, they did not.

8 **MR. RACHAL:** You have a document before you, which has been marked as
9 Staff Exhibit 1. Do you recognize this document?

10 **MS. BURL:** Yes.

11 **MR. RACHAL:** What is this document?

12 **MS. BURL:** This is the tentative hearing letter that was sent on May 15, 2024 to
13 CST Drilling Fluids, Inc.

14 **MR. RACHAL:** And what is the carrier's address on this document?

15 **MS. BURL:** P.O. Box 5989, Midland, Texas 79704.

16 **MR. RACHAL:** And this is the same address that's on file with the Commission?

17 **MS. BURL:** Yes.

18 **MR. RACHAL:** And what does this document indicate?

19 **MS. BURL:** It notifies CST Drilling Fluids, Inc. that their 2023 annual report was
20 not received by the due date of April 30th, that a late fee of 500 had been assessed
21 to their account, and if both the annual report and \$500 were not received by June
22 14, 2024, the Commission would proceed to issue a citation to the carrier.

23 **MR. RACHAL:** And is this your signature on the tentative hearing letter?

1 **MS. BURL:** Yes.

2 **MR. RACHAL:** And did you prepare this tentative hearing letter for mailing and
3 mail it to the carrier?

4 **MS. BURL:** No, this was prepared by my Staff. The letter was automatically
5 generated out of our database and it was also mailed by my Staff under my
6 direction.

7 **MR. RACHAL:** And did the U.S. Postal Service return the letter as undeliverable
8 for any reason?

9 **MS. BURL:** No.

10 **MR. RACHAL:** Your Honor, Staff moves to offer, file, and introduce into
11 evidence Staff Exhibit 1, the tentative hearing letter sent to the carrier.

12 **JUDGE FREY:** Staff Exhibit 1 is admitted.

13 **MR. RACHAL:** Thank you. After the tentative hearing letter was sent, did the
14 carrier timely file its annual report for the year 2023?

15 **MS. BURL:** No.

16 **MR. RACHAL:** After the carrier's failure to file its annual report, what action did
17 the Transportation Division take next?

18 **MS. BURL:** We proceeded to issue a citation to CST Drilling Fluids, Inc.

19 **MR. RACHAL:** You have a document before you, which has been marked as
20 Staff Exhibit 2, in globo. Do you recognize this document?

21 **MS. BURL:** Yes, this is a copy of the citation.

22 **MR. RACHAL:** And when did the Commission send this document?

23 **MS. BURL:** It was mailed July 3, 2024.

1 **MR. RACHAL:** And what is the carrier's address on this document?

2 **MS. BURL:** P.O. Box 5989, Midland, Texas 79704.

3 **MR. RACHAL:** And is that the same address that's on file with the Commission?

4 **MS. BURL:** Yes.

5 **MR. RACHAL:** And is this your signature on the citation?

6 **MS. BURL:** Yes.

7 **MR. RACHAL:** Did you prepare this citation for mailing and mail it to the carrier?

8 **MS. BURL:** It was prepared for my signature by my previous Staff and it was

9 mailed under my direction by my previous Staff.

10 **MR. RACHAL:** And were there any documents attached to this citation?

11 **MS. BURL:** Yes, the May 15, 2024 tentative hearing letter.

12 **MR. RACHAL:** And did the citation provide the carrier notice that a citation fee

13 in the amount of \$25 had been assessed to the carrier's account?

14 **MS. BURL:** Yes.

15 **MR. RACHAL:** And did the citation provide the carrier notice that an order may

16 be issued by the Commission cancelling the carrier's common carrier certificate for

17 failure to file an annual report for 2023 and/or requiring the carrier to pay a late

18 filing fee of \$500?

19 **MS. BURL:** Yes.

20 **MR. RACHAL:** And what was the hearing date, time, and location provided in

21 the citation?

22 **MS. BURL:** Wednesday, August 21, 2024 at 9:30 A.M. here at the Louisiana

23 Public Service Commission in the Galvez Building.

1 **MR. RACHAL:** And was notice of the citation published and available to the
2 general public in the Commission's Official Bulletin?

3 **MS. BURL:** Yes.

4 **MR. RACHAL:** Your Honor, Staff moves to offer, file, and introduce into
5 evidence Staff Exhibit 2, in globo, the citation and the tentative hearing letter as an
6 attachment.

7 **JUDGE FREY:** Staff Exhibit 2, in globo, is admitted.

8 **MR. RACHAL:** Thank you. Was the citation sent by certified mail with a return
9 receipt requested as well as by regular U.S. mail?

10 **MS. BURL:** Yes.

11 **MR. RACHAL:** And was the regular mail returned for any reason?

12 **MS. BURL:** No.

13 **MR. RACHAL:** And have you received a return receipt from the certified
14 mailing?

15 **MS. BURL:** No.

16 **MR. RACHAL:** You have in front of you a document marked as Staff Exhibit 3.
17 Do you recognize this document?

18 **MS. BURL:** Yes. This is a copy of the front and back of the returned envelope,
19 the certified envelope.

20 **MR. RACHAL:** And what did the return receipt for the certified mailing of the
21 citation to the cited carrier indicate?

22 **MS. BURL:** To the left side, it indicates return to sender, unclaimed, unable to
23 forward.

1 **MR. RACHAL:** And can you identify some of the markings that are on the
2 envelope?

3 **MS. BURL:** On the right side of the envelope, on the front, it appears to be a
4 marking of 7/13 and another one of 7/28 and another marking sideways of 5989.

5 **MR. RACHAL:** Can you explain what you think any of these numbers might
6 represent?

7 **MS. BURL:** I would assume that the post office carrier placed these on there. I
8 would think that the 7/13 and 7/28 might've been dates of trying to notify them.
9 5989 appears to be the same number that's on their P.O. Box.

10 **MR. RACHAL:** And is there an address on the envelope?

11 **MS. BURL:** P.O. Box 5989, Midland, Texas 79704.

12 **MR. RACHAL:** And is that the same address that's on file with the Commission?

13 **MS. BURL:** Yes.

14 **MR. RACHAL:** And is there a date that the Commission received this envelope
15 back?

16 **MS. BURL:** Yes, August 7, 2024.

17 **MR. RACHAL:** And does the tracking number, ending in 1192, match the ending
18 numbers on the citation?

19 **MS. BURL:** Yes.

20 **MR. RACHAL:** And there seems to be, on the next page of the exhibit, another
21 document. Can you identify that document?

22 **MS. BURL:** That is a copy of the certified mail receipt that is retained at the
23 Commission with the citation.

1 **MR. RACHAL:** And the address on this document, is that the same that's on file
2 with the Commission?

3 **MS. BURL:** Yes.

4 **MR. RACHAL:** And the last four digits to the left, 1192, those match the last four
5 digits on the citation?

6 **MS. BURL:** Yes.

7 **MR. RACHAL:** Your Honor, Staff moves to offer, and file, and introduce into
8 evidence Staff Exhibit 3, in globo, the returned envelope and the certified mail
9 receipt that Staff keeps on record as attachment.

10 **JUDGE FREY:** And I have what has been offered as Staff Exhibit 3, in globo. I
11 also have the original certified mailing envelope of which Staff Exhibit 3, in globo,
12 includes a front and back copy in addition to the stub retained by the Commission
13 Staff. I do not have the original of the stub, I have the original of the envelope and
14 I can confirm that the copies offered as part of Staff Exhibit 3, in globo, match the
15 front and back of the original envelope. Staff Exhibit 3, in globo is admitted.

16 **MR. RACHAL:** Thank you, Your Honor. Ms. Burl, going back to Exhibit 3, is
17 there a docket number at the bottom?

18 **MS. BURL:** Yes, T-37263.

19 **MR. RACHAL:** At any point during this citation process, has the carrier filed the
20 appropriate documents to change its address on file with the Commission?

21 **MS. BURL:** No.

22 **MR. RACHAL:** Have you been in contact with anyone representing the carrier
23 since the citation was mailed?

1 **MS. BURL:** No.

2 **MR. RACHAL:** And as of today, has the carrier filed with the Commission its
3 annual report for the year 2023?

4 **MS. BURL:** No.

5 **MR. RACHAL:** As of today, has a representative of the carrier filed the
6 appropriate documents to close its authority granted by the Commission?

7 **MS. BURL:** No.

8 **MR. RACHAL:** Is Staff seeking that the carrier be found guilty of failing to file
9 its 2023 annual report and that Common Carrier Certificate Numbers 7517 and
10 7578 be cancelled?

11 **MS. BURL:** Yes.

12 **MR. RACHAL:** And does Staff also seek that the carrier be assessed and ordered
13 to pay a late filing fee in the amount of \$500?

14 **MS. BURL:** Yes.

15 **MR. RACHAL:** And is Staff also seeking that the carrier be assessed and ordered
16 to pay a citation fee in the amount of \$25?

17 **MS. BURL:** Yes.

18 **MR. RACHAL:** That is all the questions I have, Your Honor.

19 **JUDGE FREY:** I have no questions for Ms. Burl.

20 **MR. RACHAL:** In closing, Your Honor, Commission Staff submits that it's borne
21 the burden of proving by documentary and testimony evidence that CST Drilling
22 Fluids, Inc. violated Commission's General Order 2 dated July 1, 1921 and General
23 Order dated March 18, 2021 by failing to submit its annual report -- an annual

1 report. As Ms. Burl indicated, Staff is seeking that the company be found guilty of
2 this violation and that Common Carrier Certificate Numbers 7517 and 7578 be
3 cancelled and that the carrier be ordered to pay a \$500 late fee and a citation fee of
4 \$25.

5 **JUDGE FREY:** If there is nothing further, Docket Number T-37263 is adjourned.

6

7 **DOCKET NO. T-37266**

8 **JUDGE FREY:** The next matter on the docket this morning is Docket Number T-
9 37266 - Louisiana Public Service Commission versus Exquisite Diamond
10 Transportation, LLC. In re: Cancellation of Common Carrier Certificate Number
11 8045 for failure to file an annual report for 2023 and/or pay a late filing fee of \$500
12 and a citation fee of \$25 as required by General Order 2 dated July 1, 1921 and
13 General Order dated March 18, 2021. Would the parties present please make their
14 appearances for the record?

15 **MR. RACHAL:** Paul Rachal on behalf of Staff.

16 **JUDGE FREY:** Let the record reflect that there is no one present on behalf of
17 Exquisite Diamond Transportation, LLC. How does the Staff plan to move forward
18 this morning?

19 **MR. RACHAL:** Your Honor, Staff plans to move forward with this docket.

20 **JUDGE FREY:** You may proceed, Mr. Rachal.

21 **MR. RACHAL:** Thank you, Your Honor. Your Honor, Staff is prepared to prove
22 through both documentary and testimonial evidence that the carrier cited in this
23 docket, Exquisite Diamond Transportation, LLC, failed to file an annual report for

1 the year 2023 as required by General Order 2 dated July 1, 1921 and General Order
2 dated March 18, 2021. As a result of that failure and at the conclusion of this
3 hearing, Staff will request that the carrier be found guilty of the aforementioned
4 violation, and that its Common Carrier Certificate Number 8045 be cancelled, that
5 a \$500 late fee be assessed to the carrier, as well as a \$25 citation fee. We'd like to
6 call our only witness, Ms. Tammy Burl.

7 **Tammy Burl, after having been previously duly sworn, testified as follows:**

8 **JUDGE FREY:** You may proceed, Mr. Rachal.

9 **DIRECT EXAMINATION BY MR. PAUL RACHAL**

10 **MR. RACHAL:** Thank you, Your Honor. Can you please state your name and
11 business address for the record?

12 **MS. BURL:** Tammy Burl. 602 North 5th Street, Baton Rouge, Louisiana 70802.

13 **MR. RACHAL:** And by whom are you employed?

14 **MS. BURL:** The Louisiana Public Service Commission Transportation Division
15 as the Transportation Administrator.

16 **MR. RACHAL:** And what are some of your job duties as Transportation
17 Administrator?

18 **MS. BURL:** I oversee the day-to-day operations of the business. I also oversee
19 the employees that monitor regulated motor carriers for compliance of annual
20 reports, insurance, inspection/supervision fees, and renewals.

21 **MR. RACHAL:** And what LPSC orders require carriers to file annual reports?

22 **MS. BURL:** General Order Number 2 dated July 1, 1921 and General Order dated
23 March 18, 2021.

1 **MR. RACHAL:** And what Commission order authorizes the assessment of a \$500
2 late filing fee when carriers do not timely file annual reports?

3 **MS. BURL:** General Order dated March 18, 2021.

4 **MR. RACHAL:** And which Commission order authorizes assessing a \$25 citation
5 fee against the cited carrier?

6 **MS. BURL:** General Order dated June 7, 2006.

7 **MR. RACHAL:** And what statute gives the Commission authority to cancel a
8 motor carrier's authority?

9 **MS. BURL:** Title 45:166.

10 **MR. RACHAL:** And when are carriers required to file annual reports with the
11 Commission?

12 **MS. BURL:** For motor carriers that report on a calendar year, they are due April
13 30th each year. For those that are on a fiscal year, they're due 120 days after the
14 last day of their fiscal year.

15 **MR. RACHAL:** And how are carriers notified of the requirement to file annual
16 reports with the Commission?

17 **MS. BURL:** When their authority is granted, they are sent a cover letter that
18 indicates annual reports are to be filed each year. Then again in November, we
19 send a courtesy packet to the carriers giving them instructions and a blank annual
20 report on how to make those filings.

21 **MR. RACHAL:** And are you familiar with the carrier cited in this docket?

22 **MS. BURL:** Yes.

1 **MR. RACHAL:** And is the carrier regulated by the LPSC under the Common
2 Carrier Certificate Number 8045?
3 **MS. BURL:** Yes.
4 **MR. RACHAL:** And does this carrier file annual reports on a calendar year basis?
5 **MS. BURL:** Yes.
6 **MR. RACHAL:** So when would this particular carrier's annual report be due?
7 **MS. BURL:** Their 2023 annual report was due April 30, 2024.
8 **MR. RACHAL:** And was the carrier mailed a courtesy annual compliance notice
9 detailing how and by when to file annual reports with the Commission?
10 **MS. BURL:** Yes.
11 **MR. RACHAL:** So did this carrier timely submit an annual report for the year
12 2023?
13 **MS. BURL:** No.
14 **MR. RACHAL:** You have a document before you, which has been marked as
15 Staff Exhibit 1. Can you identify this document?
16 **MS. BURL:** Yes. This is the May 15, 2024 tentative hearing letter that was sent
17 to Exquisite Diamond Transportation, LLC.
18 **MR. RACHAL:** And what is the carrier's address on that document?
19 **MS. BURL:** 1189 Fremaux Avenue, Slidell, Louisiana 70458.
20 **MR. RACHAL:** And is this the same address that's on file with the Commission?
21 **MS. BURL:** Yes.
22 **MR. RACHAL:** And what does this document indicate?

1 **MS. BURL:** It notifies Exquisite Diamond Transportation, LLC that the 2023
2 annual report had not been received by the April 30th due date and that a late fee of
3 500 had been assessed to their account. And that if both the annual report and \$500
4 late fee were not received by June 14, 2024, the Commission would proceed to
5 issue a citation to the carrier.

6 **MR. RACHAL:** And is this your signature on the tentative hearing letter?

7 **MS. BURL:** Yes.

8 **MR. RACHAL:** And did you prepare this tentative hearing letter for mailing and
9 mail it to the carrier?

10 **MS. BURL:** No. This was prepared by my previous Staff member under my
11 direction. The letter is automatically generated out of the database and they also
12 mailed it to the carrier under my direction.

13 **MR. RACHAL:** And did the U.S. Postal Service return the letter as undeliverable
14 for any reason?

15 **MS. BURL:** No.

16 **MR. RACHAL:** Your Honor, Staff moves to offer, file, introduce into evidence
17 Staff Exhibit 1, the tentative hearing letter sent to the carrier.

18 **JUDGE FREY:** Staff Exhibit 1 is admitted.

19 **MR. RACHAL:** Thank you. After the tentative hearing letter was sent, did the
20 carrier timely file its annual report for the year 2023?

21 **MS. BURL:** No.

22 **MR. RACHAL:** And after the carrier's failure to file its annual report, what action
23 did the Transportation Division take next?

1 **MS. BURL:** We proceeded to issue a citation to Exquisite Diamond
2 Transportation, LLC.

3 **MR. RACHAL:** And you have a document before you, which has been marked
4 as Staff Exhibit 2, in globo. Can you identify this document?

5 **MS. BURL:** Yes, this is a copy of the citation.

6 **MR. RACHAL:** And when was this citation sent to the -- or when was it mailed
7 out? I'm sorry.

8 **MS. BURL:** It was mailed July 3, 2024.

9 **MR. RACHAL:** And what is the address on this document?

10 **MS. BURL:** 1189 Fremaux Avenue, Slidell, Louisiana 70458.

11 **MR. RACHAL:** And is this the same address that's on file with the Commission?

12 **MS. BURL:** Yes.

13 **MR. RACHAL:** And is this your signature on the citation?

14 **MS. BURL:** Yes.

15 **MR. RACHAL:** And did you prepare this citation for mailing and mail it to the
16 carrier?

17 **MS. BURL:** It was prepared for my signature by my previous Staff and it was
18 mailed under my direction.

19 **MR. RACHAL:** And were there any documents attached to this citation?

20 **MS. BURL:** Yes, the May 15, 2024 tentative hearing letter.

21 **MR. RACHAL:** And did the citation provide the carrier notice that a citation fee
22 in the amount of \$25 had been assessed to the carrier's account?

23 **MS. BURL:** Yes.

1 **MR. RACHAL:** And did the citation provide the carrier notice that an order may
2 be issued by the Commission cancelling the carrier's common carrier certificate for
3 failure to file an annual report for 2023 and/or requiring the carrier to pay a late
4 filing fee of \$500?

5 **MS. BURL:** Yes.

6 **MR. RACHAL:** And what was the hearing date, time, and location provided in
7 the citation?

8 **MS. BURL:** Wednesday, August 21, 2024 at 9:30 A.M.

9 **MR. RACHAL:** And was notice of the citation published and made available to
10 the general public in the Commission's Official Bulletin?

11 **MS. BURL:** Yes.

12 **MR. RACHAL:** Your Honor, Staff moves to offer, file, introduce into evidence
13 Staff Exhibit 2, in globo, the citation sent to the carrier with the tentative hearing
14 letter as an attachment.

15 **JUDGE FREY:** Staff Exhibit 2, in globo, is admitted.

16 **MR. RACHAL:** Thank you. Was the citation sent by certified mail with a return
17 receipt requested as well as by regular U.S. mail?

18 **MS. BURL:** Yes.

19 **MR. RACHAL:** And was the regular mail returned for any reason?

20 **MS. BURL:** No.

21 **MR. RACHAL:** And have you received a return receipt from the certified
22 mailing?

23 **MS. BURL:** Yes, I received a green card.

1 **MR. RACHAL:** You have in front of you a document marked as Staff Exhibit 3.
2 Do you recognize this document?
3 **MS. BURL:** Yes, this is a copy of the front and back of the green card as well as
4 the image of the receipt that Staff keeps with the citation.
5 **MR. RACHAL:** Is there an address on the green card?
6 **MS. BURL:** Yes, 1189 Fremaux Avenue, Slidell, Louisiana 70458.
7 **MR. RACHAL:** And is that the same address that's on file with the Commission?
8 **MS. BURL:** Yes.
9 **MR. RACHAL:** And is there a signature on the green card?
10 **MS. BURL:** Yes.
11 **MR. RACHAL:** Is there a date?
12 **MS. BURL:** No.
13 **MR. RACHAL:** And is there a date that the Commission received this green card
14 back?
15 **MS. BURL:** July 15, 2024.
16 **MR. RACHAL:** And is there a docket number at the bottom of the green card?
17 **MS. BURL:** Yes, T-37266.
18 **MR. RACHAL:** And does the tracking number on this document, ending in 1222,
19 match the last four numbers of the certified mail receipt shown on the citation?
20 **MS. BURL:** Yes.
21 **MR. RACHAL:** And there appears to be another document on this exhibit. Can
22 you identify that document as well?
23 **MS. BURL:** Yes, that's the receipt that is kept with the citation here in the office.

1 **MR. RACHAL:** And is that the same address that's on file with the Commission?

2 **MS. BURL:** Yes.

3 **MR. RACHAL:** And do the last four digits, 1222, match the last four digits on the

4 citation?

5 **MS. BURL:** Yes.

6 **MR. RACHAL:** Your Honor, Staff moves to offer, file, and introduce Staff

7 Exhibit 3, the green card, and you have the original copy for your inspection as

8 well.

9 **JUDGE FREY:** Thank you. I have what has been offered as Staff Exhibit 3. I

10 also have the original of the certified mail return receipt, which is included in the

11 copies of Staff Exhibit 3, which contains the front and back of the certified mail

12 receipt, and I can say that the copies that are included on Staff Exhibit 3 match the

13 front and back of the original certified mail receipt. Can we go off the record for a

14 moment?

15 **[OFF THE RECORD]**

16 **[BACK ON THE RECORD]**

17 **JUDGE FREY:** So we are back on the record in Docket Number T-37266. And

18 want to clarify, Staff Exhibit 3 is admitted.

19 **MR. RACHAL:** Thank you, Your Honor. At any point during this citation

20 process, has the carrier filed the appropriate documents to change its address on file

21 with the Commission?

22 **MS. BURL:** No.

1 **MR. RACHAL:** Have you been in contact with anyone representing the carrier
2 since the citation was mailed?

3 **MS. BURL:** No.

4 **MR. RACHAL:** As of today, has the carrier filed with the Commission its annual
5 report for the year 2023?

6 **MS. BURL:** No.

7 **MR. RACHAL:** As of today, has a representative of the carrier filed the
8 appropriate documents to close its authority granted by the Commission?

9 **MS. BURL:** No.

10 **MR. RACHAL:** Is Staff seeking that the carrier be found guilty of failing to file
11 its 2023 annual report and that Common Carrier Certificate Number 8045 be
12 cancelled?

13 **MS. BURL:** Yes.

14 **MR. RACHAL:** And does Staff also seek that the carrier be assessed and ordered
15 to pay a late filing fee in the amount of \$500?

16 **MS. BURL:** Yes.

17 **MR. RACHAL:** And is Staff also seeking that the carrier be assessed and ordered
18 to pay a citation fee in the amount of \$25?

19 **MS. BURL:** Yes.

20 **MR. RACHAL:** No further questions, Your Honor.

21 **JUDGE FREY:** I have no questions for Ms. Burl.

22 **MR. RACHAL:** In closing, Your Honor, Commission Staff submits that it has
23 borne the burden of proving by documentary and testimonial evidence that

1 Exquisite Diamond Transportation, LLC violated Commission's General Order 2
2 dated July 1, 1921 and General Order dated March 18, 2021 by failing to submit an
3 annual report. As Ms. Burl indicated, Staff is seeking that the company be found
4 guilty of this violation and that Common Carrier Certificate Number 8045 be
5 cancelled and that the carrier be ordered to pay a \$500 late fee and a citation fee of
6 \$25.

7 **JUDGE FREY:** If there is nothing further, Docket Number T-37266 is concluded.

8

9 **DOCKET NO. T-37267**

10 **JUDGE FREY:** The next matter on the docket is Docket Number T-37267 -
11 Louisiana Public Service Commission versus FDF Energy Services, LLC. In re:
12 Cancellation of Common Carrier Certificate Numbers 8104-B and 5715-D for
13 failure to file an annual report for 2023 and/or pay a late filing fee of \$500 and a
14 citation fee of \$250 as required by General Order 2 dated July 1, 1921 and General
15 Order dated March 18, 2021. Would the parties present please make your
16 appearances for the record?

17 **MR. RACHAL:** Paul Rachal on behalf of Staff.

18 **JUDGE FREY:** Let the record reflect that there is no one present on behalf of
19 FDF Energy Services, LLC. How does Staff plan to move forward this morning?

20 **MR. RACHAL:** Staff plans to move forward with this docket, Your Honor.

21 **JUDGE FREY:** All right. You may proceed, Mr. Rachal.

22 **MR. RACHAL:** Thank you, Your Honor. Your Honor, Staff is prepared to prove
23 -- prepared to prove through both documentary and testimonial evidence that the

1 carrier cited in this docket, FDF Energy Services, LLC, failed to file its annual
2 report for the year 2023 as required by General Order 2 dated July 1, 1921 and
3 General Order dated March 18, 2021. As a result of that failure and at the
4 conclusion of this hearing, Staff will request that the carrier be found guilty of the
5 aforementioned violation, and that its Common Carrier Certificate Numbers 8104-
6 B and 5715-D be cancelled, that a \$500 late fee be assessed to the carrier, as well
7 as a \$25 citation fee. We would like to call our only witness, Ms. Tammy Burl.

8 **Tammy Burl, after having been previously duly sworn, testified as follows:**

9 **DIRECT EXAMINATION BY MR. PAUL RACHAL**

10 **MR. RACHAL:** Can you please state your name and business address for the
11 record?

12 **MS. BURL:** Tammy Burl. 602 North 5th Street, Baton Rouge, Louisiana 70802.

13 **MR. RACHAL:** And by whom are you employed?

14 **MS. BURL:** The Louisiana Public Service Commission Transportation Division
15 as the Transportation Administrator.

16 **MR. RACHAL:** And what are your job duties as Transportation Administrator?

17 **MS. BURL:** I oversee the day-to-day operations of the Transportation Division as
18 well as oversee those employees that review for compliance for regulated motor
19 carriers' annual reports, insurance, inspection/supervision fees, and renewals.

20 **MR. RACHAL:** And which LPSC order requires carriers to file annual reports?

21 **MS. BURL:** General Order Number 2 dated July 1, 1921 and General Order dated
22 March 18, 2021.

1 **MR. RACHAL:** And which Commission order authorizes the assessment of a
2 \$500 late filing fee when carriers do not file annual reports timely?

3 **MS. BURL:** General Order dated March 18, 2021.

4 **MR. RACHAL:** And which Commission order authorizes the \$25 citation fee
5 against a cited carrier?

6 **MS. BURL:** General Order dated June 7, 2006.

7 **MR. RACHAL:** And what statute gives the Commission authority to cancel a
8 motor carrier's authority?

9 **MS. BURL:** Title 45, Section 166.

10 **MR. RACHAL:** And when are carriers required to file annual reports with the
11 Commission?

12 **MS. BURL:** A carrier that reports on a calendar year, it's due April 30th each year,
13 and those that are on a fiscal year are due 120 days after the last day of their fiscal
14 year.

15 **MR. RACHAL:** And how are carriers notified of the requirement to file annual
16 reports with the Commission?

17 **MS. BURL:** When they are granted their authority, they're sent a cover letter that
18 indicates that they are required to file annual reports each year, and then again in
19 November, we send a courtesy packet out to the carriers that gives them instructions
20 and a blank annual report.

21 **MR. RACHAL:** And are you familiar with the carrier cited in this docket?

22 **MS. BURL:** Yes.

1 **MR. RACHAL:** And is this carrier regulated by the LPSC under the Common
2 Carrier Certificate Numbers 8104-B and 5715-D?
3 **MS. BURL:** Yes.
4 **MR. RACHAL:** And does this carrier file annual reports on a calendar year basis?
5 **MS. BURL:** Yes.
6 **MR. RACHAL:** So when would this particular carrier's annual report be due?
7 **MS. BURL:** Their 2023 annual report was due April 30, 2024.
8 **MR. RACHAL:** And was this carrier mailed a courtesy annual compliance notice
9 detailing how and by when to file annual reports with the Commission?
10 **MS. BURL:** Yes.
11 **MR. RACHAL:** And did this carrier timely submit an annual report for the year
12 2023?
13 **MS. BURL:** No.
14 **MR. RACHAL:** You have a document before you that's been marked as Staff
15 Exhibit 1. Do you recognize this document?
16 **MS. BURL:** Yes. This is the tentative hearing letter that was mailed March 15,
17 2024 to FDF Energy Services, LLC.
18 **MR. RACHAL:** And what is the carrier's address on this document?
19 **MS. BURL:** Post Office Box 1694, Crowley, Louisiana 70527.
20 **MR. RACHAL:** And is this the same address that's on file with the Commission?
21 **MS. BURL:** Yes.
22 **MR. RACHAL:** And what does this document indicate?

1 **MS. BURL:** It notifies the carrier that we did not receive their 2023 annual report
2 by the due date of April 30th and that a late fee of \$500 had been assessed to their
3 account. And if both the annual report and the \$500 were not received by June 14,
4 2024, the Commission would proceed to issue a citation to the carrier.

5 **MR. RACHAL:** And is this your signature on the tentative hearing letter?

6 **MS. BURL:** Yes.

7 **MR. RACHAL:** And did you prepare this tentative hearing letter for mailing and
8 mail it to the carrier?

9 **MS. BURL:** No, it was prepared by my Staff. This letter is automatically
10 generated from our database, and then under my direction, my Staff mailed this to
11 the carrier.

12 **MR. RACHAL:** And did the U.S. Postal Service return the letter as undeliverable
13 for any reason?

14 **MS. BURL:** No.

15 **MR. RACHAL:** Your Honor, Staff moves to offer, file, and introduce into
16 evidence Staff Exhibit 1, the tentative hearing letter sent to the carrier.

17 **JUDGE FREY:** Staff Exhibit 1 is admitted.

18 **MR. RACHAL:** Thank you. After the tentative hearing letter was sent, did the
19 carrier timely file its annual report for the year 2023?

20 **MS. BURL:** No.

21 **MR. RACHAL:** And after the carrier's failure to file its annual report, what action
22 did the Transportation Division take next?

23 **MS. BURL:** We proceeded to issue a citation to FDF Energy Services, LLC.

1 **MR. RACHAL:** You have a document before you, which has been marked as
2 Staff Exhibit 2, in globo. Do you recognize this document?
3 **MS. BURL:** Yes, this is a copy of the citation sent to the carrier.
4 **MR. RACHAL:** And when did the Commission send this document?
5 **MS. BURL:** July 3, 2024.
6 **MR. RACHAL:** And what is the carrier's address on this document?
7 **MS. BURL:** Post Office Box 1694, Crowley, Louisiana 70527.
8 **MR. RACHAL:** And this is the same address that's on file with the Commission?
9 **MS. BURL:** Yes.
10 **MR. RACHAL:** And is this your signature on the citation?
11 **MS. BURL:** Yes.
12 **MR. RACHAL:** And did you prepare this citation for mailing and mail it to the
13 carrier?
14 **MS. BURL:** It was prepared my Staff for my signature and it was mailed under
15 my direction by my Staff.
16 **MR. RACHAL:** And were there any documents attached to this citation?
17 **MS. BURL:** Yes, the May 15, 2024 tentative hearing letter.
18 **MR. RACHAL:** And did the citation provide the carrier notice that a citation fee
19 in the amount of \$25 had been assessed to the carrier's account?
20 **MS. BURL:** Yes.
21 **MR. RACHAL:** And did the citation provide the carrier notice that an order may
22 be issued by the Commission cancelling the carrier's common carrier certificate for

1 failure to file an annual report for 2023 and/or requiring the carrier to pay a late
2 filing fee of \$500?

3 **MS. BURL:** Yes.

4 **MR. RACHAL:** And what was the hearing date, time, and location provided in
5 the citation?

6 **MS. BURL:** Wednesday, August 21, 2024 at 9:30 A.M at the Louisiana Public
7 Service Commission in the Galvez Building.

8 **MR. RACHAL:** And was notice of the citation published and made available to
9 the general public in the Commission's Official Bulletin?

10 **MS. BURL:** Yes.

11 **MR. RACHAL:** Your Honor, Staff moves to offer, file, and introduce into
12 evidence Staff Exhibit 2, in globo, the citation with the tentative hearing letter as
13 an attachment.

14 **JUDGE FREY:** Staff Exhibit 2, in globo, is admitted.

15 **MR. RACHAL:** Thank you, Your Honor. Was the citation sent by certified mail
16 with a return receipt requested as well as by regular U.S. mail?

17 **MS. BURL:** Yes.

18 **MR. RACHAL:** And was the regular mail returned for any reason?

19 **MS. BURL:** No.

20 **MR. RACHAL:** And have you received a return receipt from the certified
21 mailing?

22 **MS. BURL:** No.

1 **MR. RACHAL:** You have in front of you a document marked as Staff Exhibit 3.
2 Do you recognize this document?

3 **MS. BURL:** Yes. This is a copy of the front and back of the certified mail envelope
4 that was returned to the Commission along with a copy of, on the second page, the
5 certified mail receipt that is kept with the citation here at the office.

6 **MR. RACHAL:** And what does this document indicate?

7 **MS. BURL:** On the left-hand side, it indicates return to sender, and I'm unable to
8 read the copy.

9 **MR. RACHAL:** And are there any markings on the envelope? Any dates or
10 anything?

11 **MS. BURL:** It appears to be very small on the right side, 7/11 possibly.

12 **JUDGE FREY:** If I may, for purposes of this line of questioning, I do have the
13 original envelope and I can present it to Ms. Burl so she can review that as well as
14 the copies and we can make any --

15 **MR. RACHAL:** Thank you, Your Honor.

16 **JUDGE FREY:** -- any remarks with regard to the original as compared to the
17 copy.

18 **MR. RACHAL:** And can you make out any of the dates on there or any other
19 markings on there?

20 **MS. BURL:** Okay. So on the left-hand side, it says return to sender, unclaimed,
21 unable to forward. On the right-hand side, there appears to be a marking that says
22 7-11, and it was received at the Commission on August 1, 2024.

23 **MR. RACHAL:** And what is the address that's on the document?

1 **MS. BURL:** P.O. Box -- Post Office Box 1694, Crowley, Louisiana 70527.

2 **MR. RACHAL:** And is that the same address that's on file with the Commission?

3 **MS. BURL:** Yes.

4 **MR. RACHAL:** And is there a docket number on the bottom?

5 **MS. BURL:** Yes. On the back of the envelope, it's Docket Number T-37267.

6 **MR. RACHAL:** And does the tracking number at the bottom, ending in 1239,

7 match the ending numbers on the citation?

8 **MS. BURL:** Yes.

9 **MR. RACHAL:** And can you identify the documents on the second page of this

10 Exhibit 3?

11 **MS. BURL:** That is the U.S. -- that's the certified mail receipt that is kept with the

12 citation in the Transportation Division.

13 **MR. RACHAL:** And the address on this document is the same that's on file with

14 the Commission?

15 **MS. BURL:** Yes.

16 **MR. RACHAL:** And then the last four digits, 1239, those are the same last four

17 digits on the citation -- matching the citation?

18 **MS. BURL:** Yes.

19 **MR. RACHAL:** Your Honor, Staff moves to offer, file, introduce Staff Exhibit 3,

20 in globo, the certified envelope -- returned certified envelope.

21 **JUDGE FREY:** Staff Exhibit 3, in globo, I have what has been identified as that

22 exhibit, which also includes the certified mail stub retained by Commission Staff.

23 I have the original certified mail envelope with the certified mail return receipt

1 intact that has been received by the Commission. And upon inspection of the front
2 and back of the certified mail envelope and Staff Exhibit 3, at least the first pages,
3 which are the copies of the envelope, I can say match the original. Staff Exhibit 3,
4 in globo, is admitted.

5 **MR. RACHAL:** Thank you, Your Honor. At any point during this citation
6 process, has the carrier filed the appropriate documents to change its address on file
7 with the Commission?

8 **MS. BURL:** No.

9 **MR. RACHAL:** Have you been in contact with anyone representing the carrier
10 since the citation was mailed?

11 **MS. BURL:** No.

12 **MR. RACHAL:** As of today, has the carrier filed with the Commission its annual
13 report for the year 2023?

14 **MS. BURL:** No.

15 **MR. RACHAL:** As of today, has a representative of the carrier filed the
16 appropriate documents to close its authority granted by the Commission?

17 **MS. BURL:** No.

18 **MR. RACHAL:** Is Staff seeking that the carrier be found guilty of failing to file
19 its 2023 annual report and that Common Carrier Certificate Numbers 8104-B and
20 5715-D be cancelled?

21 **MS. BURL:** Yes.

22 **MR. RACHAL:** Does Staff also seek that the carrier be assessed and ordered to
23 pay a late filing fee in the amount of \$500?

1 **MS. BURL:** Yes.

2 **MR. RACHAL:** And is Staff also seeking that the carrier be assessed and ordered
3 to pay a citation fee in the amount of \$25?

4 **MS. BURL:** Yes.

5 **MR. RACHAL:** That is all the questions I have, Your Honor.

6 **JUDGE FREY:** Ms. Burl, the tentative hearing letter, that was sent by USPS
7 regular mail; is that correct?

8 **MS. BURL:** That's correct.

9 **JUDGE FREY:** And that was not returned to the Commission?

10 **MS. BURL:** No.

11 **JUDGE FREY:** And the certified mail -- I'm sorry. The citation was sent by
12 certified mail and regular mail; is that correct?

13 **MS. BURL:** Yes.

14 **JUDGE FREY:** And the regular mail was not returned to the Commission?

15 **MS. BURL:** No, it was not.

16 **JUDGE FREY:** And all of those mailings were sent to the address that is on file
17 with the Commission?

18 **MS. BURL:** Yes.

19 **JUDGE FREY:** I have no further questions for Ms. Burl. Do you have any follow
20 up?

21 **MR. RACHAL:** No, Your Honor.

22 **JUDGE FREY:** Thank you. You may proceed, Mr. Rachal.

1 **MR. RACHAL:** Thank you. In closing, Your Honor, Commission Staff submits
2 that it has borne the burden of proving by documentary and testimony evidence that
3 FDF Energy Services, LLC violated Commission's General Order 2 dated July 1,
4 1921 and General Order dated March 18, 2021 by failing to submit an annual report.
5 As Ms. Burl indicated, Staff is seeking that the company be found guilty of this
6 violation, that Common Carrier Certificate Numbers 8104-B and 5715-D be
7 cancelled, and that the carrier be ordered to pay a \$500 late fee and a citation fee of
8 \$25.

9 **JUDGE FREY:** If there is nothing further, Docket Number T-37267 is adjourned.
10 The next matter on the docket this morning is docket -- Ms. Burl is raising her hand.
11 Do you need a break, Ms. Burl?

12 **MS. BURL:** Yes, please.

13 **JUDGE FREY:** No problem. The clock above the door says 12:14, so we'll come
14 back in 10 minutes. We'll come back at 25 after.

15 **MS. BURL:** Thank you.

16 **JUDGE FREY:** Thank you. And we are off the record.

17 **[OFF THE RECORD]**

18 **[BACK ON THE RECORD]**

19

20 **DOCKET NO. T-37268**

21 **JUDGE FREY:** All right. We are back on the record this morning, August 21,
22 2024 for transportation citation hearings. The next matter is Docket Number T-
23 37268 - Louisiana Public Service Commission versus Fisk Enterprises, Inc. dba

1 Slidell Moving. In re: Cancellation of Common Carrier Certificate Number 7056
2 for failure to file an annual report for 2023 and/or pay a late filing fee of \$500 and
3 a citation fee of \$25 as required by General Order 2 dated July 1, 1921 and General
4 Order dated March 18, 2021. Would the parties present please make your
5 appearances for the record?

6 **MR. RACHAL:** Paul Rachal on behalf of Staff.

7 **JUDGE FREY:** Let the record reflect that there is no one present on behalf of Fisk
8 Enterprises, Inc. How does Staff plan to move forward this morning?

9 **MR. RACHAL:** Your Honor, Staff requests a motion to dismiss with prejudice.
10 All the issues have been resolved.

11 **JUDGE FREY:** An order of dismissal dismissing this matter with prejudice will
12 be issued accordingly.

13

14 **DOCKET NO. T-37269**

15 **JUDGE FREY:** The next matter on the docket is Docket Number T-37269 -
16 Louisiana Public Service Commission versus Globa7, G-L-O-B-A-7, LLC. In re:
17 Cancellation of Common Carrier Certificate Number 8457 for failure to file an
18 annual report for 2023 and/or pay a late filing fee of \$500 and a citation fee of \$25
19 as required by General Order 2 dated July 1, 1921 and General Order dated March
20 18, '21. Would the parties present please make their appearances for the record?

21 **MR. RACHAL:** Paul Rachal on behalf of Staff.

22 **JUDGE FREY:** Let the record reflect that there is no one present on behalf of
23 Globa7 LLC. How does the Staff plan to move forward this morning?

1 **MR. RACHAL:** Your Honor, Staff requests a motion to continue to October 3,
2 2024.

3 **JUDGE FREY:** A ruling on the motion to continue and a notice of rescheduling
4 this matter to October 3, 2024 will be issued accordingly.

5

6 **DOCKET NO. T-37270**

7 **JUDGE FREY:** The next matter on the docket this morning is Docket Number T-
8 37270 - Louisiana Public Service Commission versus Haz Mat Special Services,
9 LLC. In re: Cancellation of Common Carrier Certificate Numbers 8299 and 8284
10 for failure to file an annual report for 2023 and/or pay a late filing fee of \$500 and
11 a citation fee of \$25 as required by General Order 2 dated July 1, 1921 and General
12 Order dated March 18, 2021. Would the parties present please make their
13 appearances for the record?

14 **MR. RACHAL:** Paul Rachal on behalf of Staff.

15 **JUDGE FREY:** Let the record reflect that there is no one present on behalf of Haz
16 Mat Special Services, LLC. How does the Staff plan to move forward this
17 morning?

18 **MR. RACHAL:** Your Honor, Staff plans to move forward with this docket.

19 **JUDGE FREY:** You may proceed, Mr. Rachal.

20 **MR. RACHAL:** Thank you. Your Honor, Staff is prepared to prove through both
21 documentary and testimonial evidence that the carrier cited in this docket, Haz Mat
22 Special Services, LLC, failed to file an annual report for the year 2023 as required
23 by General Order 2 dated July 1, 1921 and General Order dated March 18, 2021.

1 As a result of that failure and at the conclusion of this hearing, Staff will request
2 that the carrier be found guilty of the aforementioned violation and that its Common
3 Carrier Certificate Numbers 8299 and 8284 be cancelled, that a \$500 late fee be
4 assessed to the carrier, as well as a \$25 citation fee. We would like to call our only
5 witness, Ms. Tammy Burl.

6 **Tammy Burl, after having been previously duly sworn, testified as follows:**

7 **JUDGE FREY:** You may proceed, Mr. Rachal.

8 **DIRECT EXAMINATION BY MR. PAUL RACHAL**

9 **MR. RACHAL:** Thank you. Can you please state your name and business address
10 for the record?

11 **MS. BURL:** Tammy Burl. 602 North 5th Street, Baton Rouge, Louisiana 70802.

12 **MR. RACHAL:** And by whom are you employed?

13 **MS. BURL:** The Louisiana Public Service Commission's Transportation Division
14 as the Transportation Administrator.

15 **MR. RACHAL:** And what are your job duties as Transportation Administrator?

16 **MS. BURL:** I oversee the day-to-day operations of the division and I oversee the
17 employees who review compliance for regulated motor carriers when it comes to
18 their annual reports, insurance, inspection/supervision fees, and renewals.

19 **MR. RACHAL:** And what LPSC orders require carriers to file annual reports?

20 **MS. BURL:** General Order Number 2 dated July 1, 1921 and General Order dated
21 March 18, 2021.

22 **MR. RACHAL:** And which Commission order authorizes the assessment of a
23 \$500 late filing fee when carriers do not timely file annual reports?

1 **MS. BURL:** The General Order dated March 18, 2021.

2 **MR. RACHAL:** And which Commission order authorizes the assessing of a \$25

3 citation fee against the cited carrier?

4 **MS. BURL:** The General Order dated June 7, 2006.

5 **MR. RACHAL:** And what statute gives the Commission the authority to cancel a

6 motor carrier's authority?

7 **MS. BURL:** Title 45:166.

8 **MR. RACHAL:** And when are carriers required to file annual reports with the

9 Commission?

10 **MS. BURL:** On carriers that operate on a calendar year end, they're due April 30th

11 each year. And for calendars on fiscal year end, they're due 120 days after the last

12 day of their fiscal year.

13 **MR. RACHAL:** And how are carriers notified of the requirements to file annual

14 reports with the Commission?

15 **MS. BURL:** When they are granted authority, they are given a cover letter that

16 indicates annual reports are required to be filed every year. Then again in

17 November, we mail out a courtesy packet with a blank annual report and

18 instructions on making those filings.

19 **MR. RACHAL:** And are you familiar with the carrier cited in this docket?

20 **MS. BURL:** Yes.

21 **MR. RACHAL:** And is the carrier regulated by the LPSC under the Common

22 Carrier Certificate Numbers 8299 and 8284?

23 **MS. BURL:** Yes.

1 **MR. RACHAL:** And does the carrier file annual reports on a calendar year basis?

2 **MS. BURL:** Yes.

3 **MR. RACHAL:** So when would this particular carrier's annual report be due?

4 **MS. BURL:** The 2023 annual report would be due April 30, 2024.

5 **MR. RACHAL:** And was this carrier mailed a courtesy annual compliance notice

6 detailing how and by when to file annual reports with the Commission?

7 **MS. BURL:** Yes.

8 **MR. RACHAL:** And did this carrier timely submit an annual report for the year

9 2023?

10 **MS. BURL:** No.

11 **MR. RACHAL:** You have a document before you that's been marked as Staff

12 Exhibit 1. Do you recognize this document?

13 **MS. BURL:** Yes. This is a copy of the tentative hearing letter that was mailed

14 May 15, 2024 to Haz Mat Special Services, LLC.

15 **MR. RACHAL:** And what is the carrier's address on this document?

16 **MS. BURL:** 2200 Pasadena Freeway, Pasadena, Texas 77506.

17 **MR. RACHAL:** And is that the same address that's on file with the Commission?

18 **MS. BURL:** Yes.

19 **MR. RACHAL:** And what does this document indicate?

20 **MS. BURL:** It notifies the carrier that we did not receive their 2023 annual report

21 by the April 30th deadline and that a late fee of \$500 had been assessed to their

22 account, and that if both the annual report and \$500 late fee were not received by

23 June 14, 2024, the Commission would proceed to issue a citation.

1 **MR. RACHAL:** And is this your signature on the tentative hearing letter?

2 **MS. BURL:** Yes.

3 **MR. RACHAL:** And did you prepare this tentative hearing letter for mailing and
4 mail it to the carrier?

5 **MS. BURL:** No, it was prepared by my Staff. This letter is automatically
6 generated from our database and it was mailed by my Staff under my direction.

7 **MR. RACHAL:** And did the U.S. Postal Service return the letter as undeliverable
8 for any reason?

9 **MS. BURL:** No.

10 **MR. RACHAL:** Your Honor, Staff moves to offer, file, and introduce into
11 evidence Staff Exhibit 1, the tentative hearing letter sent to the carrier.

12 **JUDGE FREY:** Staff Exhibit 1 is admitted.

13 **MR. RACHAL:** Thank you. After the tentative hearing letter was sent, did the
14 carrier timely file its annual report for the year 2023?

15 **MS. BURL:** No.

16 **MR. RACHAL:** And after the carrier's failure to file its annual report, what action
17 did the Transportation Division take next?

18 **MS. BURL:** We proceeded to issue a citation to Haz Mat Special Services, LLC.

19 **MR. RACHAL:** You have a document before you, which has been marked as
20 Staff Exhibit 2, in globo. Do you recognize this document?

21 **MS. BURL:** Yes, this is a copy of the citation.

22 **MR. RACHAL:** And when did the Commission send this document?

23 **MS. BURL:** July 3, 2024.

1 **MR. RACHAL:** And what is the carrier's address on this document?

2 **MS. BURL:** 2200 Pasadena Freeway, Pasadena, Texas 77506.

3 **MR. RACHAL:** And is this the same address that's on file with the Commission?

4 **MS. BURL:** Yes.

5 **MR. RACHAL:** And is this your signature on the citation?

6 **MS. BURL:** Yes.

7 **MR. RACHAL:** And did you prepare this citation for mailing and mail it to the

8 carrier?

9 **MS. BURL:** It was prepared by my Staff for my signature and then it was mailed

10 out to the carrier by my employee under my direction.

11 **MR. RACHAL:** And were there any attachments to this citation?

12 **MS. BURL:** Yes, the May 15, 2024 tentative hearing letter.

13 **MR. RACHAL:** And did the citation -- did the citation provide the carrier notice

14 that a citation fee in the amount of \$25 had been assessed to the carrier's account?

15 **MS. BURL:** Yes.

16 **MR. RACHAL:** And did the citation provide the carrier notice that an order may

17 be issued by the Commission cancelling the carrier common carrier certificate for

18 failure to file an annual report for 2023 and/or requiring the carrier to pay a late

19 filing fee of \$500?

20 **MS. BURL:** Yes.

21 **MR. RACHAL:** And what was the hearing date, time, and location provided in

22 the citation?

1 **MS. BURL:** Wednesday, August 21, 2024 at 9:30 A.M. here at the Louisiana
2 Public Service Commission in the Galvez Building.

3 **MR. RACHAL:** And was notice of the citation published and made available to
4 the general public in the Commission's Official Bulletin?

5 **MS. BURL:** Yes.

6 **MR. RACHAL:** Your Honor, Staff moves to offer, and file, and introduce into
7 evidence Staff Exhibit 2, in globo, the citation to the carrier and the tentative
8 hearing letter as an attachment.

9 **JUDGE FREY:** Staff Exhibit 2, in globo, is admitted.

10 **MR. RACHAL:** Thank you. Was the citation sent by certified mail with a return
11 receipt requested as well as by regular U.S. mail?

12 **MS. BURL:** Yes.

13 **MR. RACHAL:** Was the regular mail returned for any reason?

14 **MS. BURL:** No.

15 **MR. RACHAL:** And have you received a return receipt from the certified
16 mailing?

17 **MS. BURL:** No.

18 **MR. RACHAL:** You have in front of you a document that's been marked as Staff
19 Exhibit 3. Do you recognize this document?

20 **MS. BURL:** Yes. This is a copy of the front and back of the certified mailing that
21 came back to the Commission.

22 **MR. RACHAL:** And what does this document indicate?

1 **JUDGE FREY:** For purposes of this line of questioning, I will present Ms. Burl
2 with the original envelope.

3 **MR. RACHAL:** Thank you, Your Honor.

4 **MS. BURL:** So on the bottom right it has a label that says return to sender,
5 unclaimed, unable to forward. On the left there appears to be a marking that says
6 BE or BC 7/19/24 and it was received at the Commission August 14, 2024.

7 **MR. RACHAL:** And what's the address on this envelope?

8 **MS. BURL:** 2200 Pasadena Freeway, Pasadena, Texas 77506.

9 **MR. RACHAL:** And this is the same address that's on file with the Commission?

10 **MS. BURL:** Yes.

11 **MR. RACHAL:** And is there a docket number on the bottom?

12 **MS. BURL:** On the back there's a Docket Number T-37270.

13 **MR. RACHAL:** And does the tracking number on the back, on the bottom, at the
14 top -- at the bottom, ending in 1260, match the ending numbers on the citation?

15 **MS. BURL:** Yes.

16 **MR. RACHAL:** And on the next page of Exhibit 3, there appears to be another
17 document.

18 **MS. BURL:** Yes. This is a copy of the certified mail receipt that is retained in the
19 Transportation Division with the citation.

20 **MR. RACHAL:** And the address on this document is the same that's on file with
21 the Commission?

22 **MS. BURL:** Yes.

1 **MR. RACHAL:** And then the last four digits on the side, 1260, also match the last
2 four digits on the citation?

3 **MS. BURL:** Yes.

4 **MR. RACHAL:** Your Honor, Staff moves to offer, file, and introduce into
5 evidence Staff Exhibit 3, in globo, the returned certified envelope and Staff's
6 certified mail receipt as an attachment.

7 **JUDGE FREY:** And I do have the original certified mail envelope as well as what
8 has been offered as Staff Exhibit 3, in globo. And I can confirm that the copies of
9 the envelope, which are a part of the certified mail envelope, which are part of Staff
10 Exhibit 3, in globo, match -- the copies match the original. Staff Exhibit 3, in globo,
11 is admitted.

12 **MR. RACHAL:** Thank you, Your Honor. At any point during this citation
13 process, has the carrier filed the appropriate documents to change its address on file
14 with the Commission?

15 **MS. BURL:** No.

16 **MR. RACHAL:** Have you been in contact with anyone representing the carrier
17 since the citation was mailed?

18 **MS. BURL:** No.

19 **MR. RACHAL:** As of today, has the carrier filed with the Commission its annual
20 report for the Year 2023?

21 **MS. BURL:** No.

22 **MR. RACHAL:** As of today, has a representative of the carrier filed the
23 appropriate documents to close its authority granted by the Commission?

1 **MS. BURL:** No.

2 **MR. RACHAL:** Is Staff seeking that the carrier be found guilty of failing to file
3 its 2023 annual report and that Common Carrier Certificate Numbers 8299 and
4 8284 be cancelled?

5 **MS. BURL:** Yes.

6 **MR. RACHAL:** Does Staff also seek that the carrier be assessed and ordered to
7 pay a late filing fee in the amount of \$500?

8 **MS. BURL:** Yes.

9 **MR. RACHAL:** And does Staff also seek that the carrier be assessed and ordered
10 to pay a citation fee in the amount of \$25?

11 **MS. BURL:** Yes.

12 **MR. RACHAL:** That is all the questions I have, Your Honor.

13 **JUDGE FREY:** Ms. Burl, I'll hand Ms. Burl back the original, just noting that the
14 -- I will note for the record that particularly the copy of the front of the envelope is
15 difficult to read on what has been offered as Staff Exhibit 3. So that I can read it
16 later, I may ask Staff -- hold the record open in this matter and ask Staff to get a
17 clearer copy of the front of the envelope in this case. So while we're on that line,
18 how long would Staff need to get a clearer copy of the front of this envelope?

19 **MR. RACHAL:** We could get it as soon as you -- as soon as we can get it in there,
20 Your Honor, a couple days.

21 **JUDGE FREY:** Okay. Today is Wednesday. I can hold it open until close of
22 business tomorrow, close of business Friday?

23 **MR. RACHAL:** Friday would work.

1 **JUDGE FREY:** Okay. So we will hold the record open in this matter for Staff to
2 supplement Staff Exhibit 3, in globo, with a clearer copy of the front of the certified
3 mail envelope. And just to keep the record clean, we're going to call that Staff
4 Exhibit 4. So Staff Exhibit 4 will be a copy of the front of the certified mail
5 envelope, and that will be admitted as Staff Exhibit 4 upon filing into the record no
6 later than close of business Friday the 23rd. Ms. Burl, I had presented you with the
7 original. What date was the envelope received by the Commission's Transportation
8 Division?

9 **MS. BURL:** August 14, 2024.

10 **JUDGE FREY:** And there's a stamp on the envelope that reflects that; is that
11 correct?

12 **MS. BURL:** Yes, on the left-hand side.

13 **JUDGE FREY:** All right. And the tentative hearing letter and citation were both
14 sent by regular mail to the same address as the certified mail was sent; is that
15 correct?

16 **MS. BURL:** That is correct

17 **JUDGE FREY:** And that is the address that is on file with the Commission; is that
18 correct?

19 **MS. BURL:** Yes.

20 **JUDGE FREY:** And the mailings of the tentative hearing letter and the citation
21 that were sent by regular mail were not returned by the post office as undeliverable
22 or for any reason; is that correct?

23 **MS. BURL:** That's correct.

1 **JUDGE FREY:** I have no further questions for Ms. Burl. Do you have any follow
2 up, Mr. Rachal?

3 **MR. RACHAL:** No, Your Honor.

4 **JUDGE FREY:** You may proceed.

5 **MR. RACHAL:** Thank you. In closing, Your Honor, Commission Staff submits
6 that it has borne the burden of proving by documentary and testimonial evidence
7 that Haz Mat Special Services, LLC violated Commission's General Order 2 dated
8 July 1, 1921 and General Order dated March 18, 2021 by failing to submit an annual
9 report. As Ms. Burl indicated, Staff is seeking that the company be found guilty of
10 this violation, and that Common Carrier Certificate Numbers 8299 and 8284 be
11 cancelled, and that the carrier be ordered to pay a \$500 late fee and a citation fee of
12 \$25.

13 **JUDGE FREY:** So to conclude, we do have the record held open in this matter
14 for submission of Staff Exhibit 4, which is a clearer copy of the front of the certified
15 mail envelope which was admitted as part of Staff Exhibit 3, in globo. We're
16 holding the record open until August 23rd, Friday, close of business. And I would
17 ask that the Staff file it into the record of the proceeding and provide copies to the
18 Court Reporter and to myself. By filing it in the record, it just documents that that
19 follow up was done, what was done, and when it was done. Any questions about
20 that, Mr. Rachal?

21 **MR. RACHAL:** No, Your Honor.

22 **JUDGE FREY:** All right. Thank you. If there's nothing further, Docket Number
23 T-37270 is adjourned.

1 **DOCKET NO. T-37271**

2 **JUDGE FREY:** The next matter on the docket this morning is Docket Number T-
3 37271 - Louisiana Public Service Commission versus J. Zenon Trucking, Inc. In
4 re: Cancellation of Common Carrier Certificate Numbers 8548 and 8489 for failure
5 to file an annual report for 2023 and/or pay a late filing fee of \$500 and a citation
6 fee of \$25 as required by General Order 2 dated July 1, 1921 and General Order
7 dated March 18, 2021. Would the parties present please make their appearances
8 for the record?

9 **MR. RACHAL:** Paul Rachal on behalf of Staff.

10 **JUDGE FREY:** Let the record reflect that there is no one present on behalf of J.
11 Zenon Trucking, Inc. How does the Staff plan to move forward this morning?

12 **MR. RACHAL:** Your Honor, Staff plans to move forward with this docket.

13 **JUDGE FREY:** You may proceed, Mr. Rachal.

14 **MR. RACHAL:** Thank you, Your Honor. Your Honor, Staff is prepared to prove
15 through both documentary and testimonial evidence that the carrier cited in this
16 docket, J. Zenon Trucking, Inc., failed to file an annual report for the year 2023 as
17 required by General Order 2 dated July 1, 1921 and General Order dated March 18,
18 2021. As a result of that failure and at the conclusion of this hearing, Staff will
19 request that the carrier be found guilty of the aforementioned violation, and that its
20 Common Carrier Certificate Numbers 8548 and 8489 be cancelled, that a \$500 late
21 fee be assessed to the carrier, as well as a \$25 citation fee. We would like to call
22 our first and only witness, Tammy Burl.

23 **Tammy Burl, after having been previously duly sworn, testified as follows:**

1 **JUDGE FREY:** You may proceed, Mr. Rachal.

2 **DIRECT EXAMINATION BY MR. PAUL RACHAL**

3 **MR. RACHAL:** Thank you. Can you please state your name and business address

4 for the record?

5 **MS. BURL:** Tammy Burl. 602 North 5th Street, Baton Rouge, Louisiana 70802.

6 **MR. RACHAL:** And by whom are you employed?

7 **MS. BURL:** The Louisiana Public Service Commission Transportation Division

8 as the Transportation Administrator.

9 **MR. RACHAL:** And what are your job duties as Transportation Administrator?

10 **MS. BURL:** I oversee the day-to-day operations of the division as well as the

11 employees who monitor compliance for LPSC regulated motor carriers for annual

12 report, insurance, inspection/supervision fees, and renewals.

13 **MR. RACHAL:** And which LPSC orders require carriers to file annual reports?

14 **MS. BURL:** General Order Number 2 dated July 1, 1921 and General Order dated

15 March 18, 2021.

16 **MR. RACHAL:** And which Commission order authorizes the assessment of a

17 \$500 late filing fee when carriers do not timely file annual reports?

18 **MS. BURL:** The General Order dated March 18, 2021.

19 **MR. RACHAL:** And which Commission order authorizes the assessing of a \$25

20 citation fee?

21 **MS. BURL:** General Order dated June 7, 2006.

22 **MR. RACHAL:** And which statute gives the Commission the authority to cancel

23 a motor carrier's authority?

1 **MS. BURL:** Title 45:166.

2 **MR. RACHAL:** And when are carriers required to file annual reports with the
3 Commission?

4 **MS. BURL:** For carriers that operate on a calendar year end, they're due April 30th
5 each year. For those that operate on a fiscal year end, it's 120 days after the last
6 day of their fiscal year.

7 **MR. RACHAL:** And how are carriers notified of the requirement to file annual
8 reports with the Commission?

9 **MS. BURL:** When they're granted their authority, a cover letter is sent with their
10 certificate notifying them that they are to file annual reports each year. Then again
11 in November, we send out a courtesy packet that includes a blank annual report and
12 instructions on filing the report.

13 **MR. RACHAL:** Are you familiar with the carrier cited in this docket?

14 **MS. BURL:** Yes.

15 **MR. RACHAL:** Is the carrier regulated by the LPSC under the Common Carrier
16 Certificate Numbers 8548 and 8489?

17 **MS. BURL:** Yes.

18 **MR. RACHAL:** And does this carrier file an annual report on a calendar year
19 basis?

20 **MS. BURL:** Yes.

21 **MR. RACHAL:** So when would this particular carrier's annual report be due?

22 **MS. BURL:** Their 2023 annual report was due April 30, 2024.

1 **MR. RACHAL:** And was the carrier mailed a courtesy annual compliance notice
2 detailing how and when to file annual reports with the Commission?
3 **MS. BURL:** Yes.
4 **MR. RACHAL:** And did this carrier timely submit an annual report for the year
5 2023?
6 **MS. BURL:** No.
7 **MR. RACHAL:** You have a document before you, which has been marked as
8 Staff Exhibit 1. Do you recognize this document?
9 **MS. BURL:** Yes. This is the May 15, 2024 tentative hearing letter mailed to J.
10 Zenon Trucking, Inc.
11 **MR. RACHAL:** And what is the carrier's address on this document?
12 **MS. BURL:** 410 Breaux Road, Lafayette, Louisiana 70507.
13 **MR. RACHAL:** And is this the same address that's on file with the Commission?
14 **MS. BURL:** Yes.
15 **MR. RACHAL:** And what does this document indicate?
16 **MS. BURL:** It notifies the carrier that we had not yet received their 2023 annual
17 report that was due on April 30, 2024, that a late fee of \$500 had been assessed to
18 their account, and if both the annual report and \$500 late fee are not received by
19 June 14, 2024, the Commission would proceed to issue a citation to appear at a
20 hearing.
21 **MR. RACHAL:** And is this your signature on the tentative hearing letter?
22 **MS. BURL:** Yes, it is.

1 **MR. RACHAL:** And did you prepare this tentative hearing letter for mailing and
2 mail it out to the carrier?

3 **MS. BURL:** No, it was prepared by my Staff. This letter is automatically
4 generated from the database with my signature, and under my direction, my Staff
5 mailed it to the carrier.

6 **MR. RACHAL:** And did the U.S. Postal Service return the letter undeliverable
7 for any reason?

8 **MS. BURL:** No.

9 **MR. RACHAL:** Your Honor, Staff moves to offer, file, introduce into evidence
10 Staff Exhibit 1, the tentative hearing letter sent to the carrier.

11 **JUDGE FREY:** Staff Exhibit 1 is admitted.

12 **MR. RACHAL:** Thank you. After the tentative hearing letter was sent, did the
13 carrier timely file its annual report for the year 2023?

14 **MS. BURL:** No.

15 **MR. RACHAL:** And after the carrier's failure to file its annual report, what action
16 did the Transportation Division take next?

17 **MS. BURL:** We proceeded to issue a citation to J. Zenon Trucking, Inc.

18 **MR. RACHAL:** You have a document before you, which has been marked as
19 Staff Exhibit 2, in globo. Do you recognize this document?

20 **MS. BURL:** Yes, this is a copy of the citation issued to the carrier.

21 **MR. RACHAL:** And when did the Commission send this document?

22 **MS. BURL:** It was mailed July 3, 2024.

23 **MR. RACHAL:** And what is the carrier's address on this document?

1 **MS. BURL:** 410 Breaux Road, Lafayette, Louisiana 70507.

2 **MR. RACHAL:** And is this the same address that's on file with the Commission?

3 **MS. BURL:** Yes.

4 **MR. RACHAL:** And is this your signature on the citation?

5 **MS. BURL:** Yes.

6 **MR. RACHAL:** And did you prepare this citation for mailing and mail it to the

7 carrier?

8 **MS. BURL:** It was prepared by my Staff for my signature and then it was mailed

9 under my direction by my previous employee.

10 **MR. RACHAL:** And were there any documents attached to this citation?

11 **MS. BURL:** Yes, the May 15, 2024 tentative hearing letter.

12 **MR. RACHAL:** And did the citation provide the carrier notice that a citation fee

13 in the amount of \$25 had been assessed to the carrier's account?

14 **MS. BURL:** Yes.

15 **MR. RACHAL:** And did the citation provide the carrier notice that an order may

16 be issued by the Commission cancelling the carrier's common carrier certificate for

17 failure to file an annual report for 2023 and/or requiring the carrier to pay a late

18 filing fee of \$500?

19 **MS. BURL:** Yes.

20 **MR. RACHAL:** And what was the hearing date, time, and location provided in

21 the citation?

22 **MS. BURL:** Wednesday, August 21, 2024 at 9:30 A.M. here at the Louisiana

23 Public Service Commission in the Galvez Building.

1 **MR. RACHAL:** And was notice of the citation published and made available to
2 the general public in the Commission's Official Bulletin?

3 **MS. BURL:** Yes.

4 **MR. RACHAL:** Your Honor, Staff moves to offer, file, introduce into evidence
5 Staff Exhibit 2, in globo, the citation sent to the carrier with the tentative hearing
6 letter attached.

7 **JUDGE FREY:** Staff Exhibit 2, in globo, is admitted.

8 **MR. RACHAL:** Thank you. Was the citation sent by certified mail with a return
9 receipt requested as well as by regular United States mail?

10 **MS. BURL:** Yes.

11 **MR. RACHAL:** Was the regular mail returned for any reason?

12 **MS. BURL:** No.

13 **MR. RACHAL:** Have you received a return receipt from the certified mailing?

14 **MS. BURL:** No.

15 **MR. RACHAL:** You have in front of you a document marked as Staff Exhibit 3.
16 Do you recognize this document?

17 **MS. BURL:** Yes. This is a copy of the front and back of the certified mail envelope
18 that was returned to the Commission.

19 **MR. RACHAL:** And what does this return receipt envelope indicate?

20 **MS. BURL:** On the left, it indicates return to sender, unclaimed, unable to forward.
21 Above that there is a notation of LN 7-10, and it was received by the Commission
22 on August 2, 2024. There's also a notation on the bottom right that appears to be
23 27/25.

1 **JUDGE FREY:** If it may help the witness, I have the original that Staff has placed
2 up here for me and I can present that to Ms. Burl for her review.

3 **MR. RACHAL:** Yes, please. Thank you, Your Honor.

4 **MS. BURL:** Yes. So it appears down in the -- well, I'm not sure if that's an R7/25,
5 but that is on the bottom right-hand side.

6 **MR. RACHAL:** And what is the address that's on this returned envelope?

7 **MS. BURL:** 410 Breaux Road, Lafayette, Louisiana 70507.

8 **MR. RACHAL:** And is this the same address that's on file with the Commission?

9 **MS. BURL:** Yes.

10 **MR. RACHAL:** And on the back, is there a docket number on the bottom of the
11 back of the envelope?

12 **MS. BURL:** Yes, T-37271.

13 **MR. RACHAL:** And also on the back, does the tracking number, ending in 1277,
14 match the ending numbers on the citation?

15 **MS. BURL:** Yes.

16 **MR. RACHAL:** And what was the date the Commission received this returned
17 envelope?

18 **MS. BURL:** August 2, 2024.

19 **MR. RACHAL:** And on the second page of this exhibit there appears to be another
20 document?

21 **MS. BURL:** Yes. This is the certified mail receipt that is retained in the
22 Transportation Division attached to the citation.

1 **MR. RACHAL:** And the address that's on this document, is that the same address
2 that's on file with the Commission?

3 **MS. BURL:** Yes.

4 **MR. RACHAL:** And on the side, the last four digits, 1277, do those numbers
5 match the last four digits on the citation?

6 **MS. BURL:** Yes.

7 **MR. RACHAL:** Your Honor, Staff moves to offer, and file, and introduce into
8 evidence Staff Exhibit 3, in globo, the returned certified envelope with the certified
9 mail receipt as well as the attachment.

10 **JUDGE FREY:** And I have what is being offered as Staff Exhibit 3, in globo, as
11 well as the original certified mail envelope, which I have been handed back from
12 Ms. Burl. And I can say that the copies of the front and back of the certified mail
13 envelope that are included in Staff Exhibit 3, in globo, match the original of the --
14 match the original envelope. Staff Exhibit 3, in globo is admitted.

15 **MR. RACHAL:** Thank you, Your Honor. At any point during this citation
16 process, has the carrier filed the appropriate documents to change its address on file
17 with the Commission?

18 **MS. BURL:** No.

19 **MR. RACHAL:** Have you been in contact with anyone representing the carrier
20 since the citation was mailed?

21 **MS. BURL:** No.

22 **MR. RACHAL:** As of today, has the carrier filed with the Commission its annual
23 report for the year 2023?

1 **MS. BURL:** No.

2 **MR. RACHAL:** As of today, has a representative of the carrier filed the
3 appropriate documents to close its authority granted by the Commission?

4 **MS. BURL:** No.

5 **MR. RACHAL:** Is Staff seeking that the carrier be found guilty of failing to file
6 its 2023 annual report and that Common Carrier Certificate Numbers 8548 and
7 8489 be cancelled?

8 **MS. BURL:** Yes.

9 **MR. RACHAL:** And does Staff also seek that the carrier be assessed and ordered
10 to pay a late filing fee in the amount of \$500?

11 **MS. BURL:** Yes.

12 **MR. RACHAL:** And is Staff also seeking that the carrier be assessed and ordered
13 to pay a citation fee in the amount of \$25?

14 **MS. BURL:** Yes.

15 **MR. RACHAL:** That's all the questions I have, Your Honor.

16 **JUDGE FREY:** Thank you. And just to confirm, Ms. Burl, the tentative hearing
17 letter and the citation were both sent by regular mail to the same address that the
18 certified mail was sent; is that correct?

19 **MS. BURL:** That's correct.

20 **JUDGE FREY:** And that is the address that is on file with the Commission,
21 correct?

22 **MS. BURL:** That is correct

1 **JUDGE FREY:** And that neither the tentative hearing letter or the citation sent by
2 regular mail was returned to the Commission for any reason; is that correct?
3 **MS. BURL:** That's correct.
4 **JUDGE FREY:** All right. I have no further questions for Ms. Burl.
5 **MR. RACHAL:** No follow up either, Your Honor.
6 **JUDGE FREY:** Okay. Thank you. [INAUDIBLE] proceed.
7 **MR. RACHAL:** In closing, Your Honor, Commission Staff submits that it has
8 borne the burden of proving by documentary and testimonial evidence that J. Zenon
9 Trucking, Inc. violated Commission's General Order 2 dated July 1, 1921 and
10 General Order dated March 18, 2021 by failing to submit an annual report. As Ms.
11 Burl indicated, Staff is seeking that the company be found guilty of this violation
12 and that Common Carrier Certificate Numbers 8548 and 8489 be cancelled and that
13 the carrier be ordered to pay a \$500 late fee and a citation fee of \$25.
14 **JUDGE FREY:** Thank you. If there is nothing further, Docket Number T-37272
15 -- no, I'm sorry, 37271 is adjourned.
16
17 **DOCKET NO. T-37272**
18 **JUDGE FREY:** The next matter on the docket is Docket Number T-37272 -
19 Louisiana Public Service Commission versus Jake's Towing, LLC. In re:
20 Cancellation of Common Carrier Certificate Number 8259 for failure to file an
21 annual report for 2023 and/or pay a late filing fee of \$500 and a citation fee of \$25
22 as required by General Order 2 dated July 1, 1921 and General Order dated March
23 18, 2021. Would the parties present please make their appearances for the record?

1 **MR. RACHAL:** Paul Rachal on behalf of Staff.

2 **JUDGE FREY:** Let the record reflect that there is no one present on behalf of
3 Jake's Towing, LLC. How does the Staff plan to move forward this morning?

4 **MR. RACHAL:** Your Honor, Staff requests a motion to dismiss with prejudice.
5 All issues have been resolved.

6 **JUDGE FREY:** An order dismissing this matter with prejudice will be issued
7 accordingly.

8

9 **DOCKET NO. T-37273**

10 **JUDGE FREY:** The next matter on the docket is Docket Number T-37273 -
11 Louisiana Public Service Commission versus James Alleman Towing, LLC. In re:
12 Cancellation of Common Carrier Certificate Number 7769 for failure to file an
13 annual report for 2023 and/or pay a late filing fee of \$500 and a citation fee of \$25
14 as required by General Order 2 dated July 1, 1921 and General Order dated March
15 18, 2021. Would the parties present please make your appearances for the record?

16 **MR. RACHAL:** Paul Rachal on behalf of Staff.

17 **JUDGE FREY:** Let the record reflect that there is no one present on behalf of
18 James Alleman Towing, LLC. How does the Staff plan to move forward?

19 **MR. RACHAL:** Your Honor, Staff requests a motion to dismiss with prejudice.
20 All the issues have been resolved.

21 **JUDGE FREY:** An order dismissing this matter with prejudice will be issued
22 accordingly.

23

1 **DOCKET NO. T-37275**

2 **JUDGE FREY:** The next matter on the docket is Docket Number T-37275 -
3 Louisiana Public Service Commission versus Kenny's Towing, LLC. In re:
4 Cancellation of Common Carrier Certificate Number 7227 for failure to file an
5 annual report for 2023 and/or pay a late filing fee of \$500 and a citation fee of \$25
6 as required by General Order 2 dated July 1, 1921 and General Order dated March
7 18, 2021. Would the parties present please make your appearances for the record?

8 **MR. RACHAL:** Paul Rachal on behalf of Staff.

9 **JUDGE FREY:** Let the record reflect that there is no one present on behalf of
10 Kenny's Towing, LLC. How does the Staff plan to move forward this morning?

11 **MR. RACHAL:** Your Honor, the carrier filed a motion to continue into the record
12 yesterday to continue to October 3, 2024, and Staff has no opposition to that
13 request.

14 **JUDGE FREY:** The Court will take judicial notice of the motion that was filed
15 by representative of Kenny's Towing yesterday, August 20, 2024. It was stamped
16 in at 2:54 P.M. seeking to continue the hearing for today to October 3, 2024. Staff
17 has indicated its non-opposition. You know, given that this was filed into the record
18 yesterday afternoon, I will grant the carrier's motion to continue and a ruling on
19 Kenny's Towing, LLC's motion to continue this matter to October 3, 2024 at 9:30
20 will be issued. The notice granting the motion and rescheduling this hearing date
21 to 10/3/2023, unopposed by Staff, will be issued accordingly.

22 **MR. RACHAL:** Thank you, Your Honor.
23

1 **DOCKET NO. T-37276**

2 **JUDGE FREY:** The next matter on the docket is Docket Number T-37276 -
3 Louisiana Public Service Commission versus KSD Trucking, LLC. In re:
4 Cancellation of Common Carrier Certificate Number 8434 for failure to file an
5 annual report for 2023 and/or pay a late filing fee of \$500 and a citation fee of \$25
6 as required by General Order 2 dated July 1, 1921 and General Order dated March
7 18, 2021. Would the parties present please make their appearances for the record?

8 **MR. RACHAL:** Paul Rachal on behalf of Staff.

9 **JUDGE FREY:** Let the record reflect that there is no one present on behalf of
10 KSD Trucking, LLC. How does the Staff plan to move forward with this matter
11 this morning?

12 **MR. RACHAL:** Your Honor, Staff requests a motion to continue to October 3,
13 2024.

14 **JUDGE FREY:** A ruling on the motion to continue and a notice of rescheduling
15 this matter to October 3, 2024 will be issued accordingly. That is all of the matters
16 I have on my docket for this morning. Are there any other matters of Commission
17 Staff?

18 **MR. RACHAL:** Nothing from Staff, Your Honor.

19 **JUDGE FREY:** Thank you. If there is nothing further from Commission Staff,
20 these hearings are adjourned.

21

22 **(WHEREUPON, THE HEARING WAS ADJOURNED)**

23

1 I hereby certify that the foregoing pages 1 through 153 are true and correct to
2 the best of my knowledge of the Transportation Citation Hearings held on
3 August 21, 2024.

4 *****

5 **Rough Draft by:**

6 Clarisa Findley
7 Clarisa Findley,
8 Court Reporter

August 30, 2024

Date

9 **Proofed by:**

10 Kayla Fiorenza
11 Kayla Fiorenza,
12 Court Reporter

September 18, 2024

Date

13 **Finalized by:**

14 Clarisa Findley
15 Clarisa Findley,
16 Court Reporter

September 18, 2024

Date

17