

**DOCKET NUMBER T-35735 - BENNETT MOTOR EXPRESS, L.L.C.
(MCDONOUGH, GEORGIA), EX PARTE. IN RE: APPLICATION FOR A
COMMON CARRIER CERTIFICATE OF NON-HAZARDOUS OILFIELD
WASTE, NON-HAZARDOUS INDUSTRIAL SOLID WASTE AND
HAZARDOUS WASTE FOR DISPOSAL, STATEWIDE.**

DATE OF HEARING: January 12, 2021

CHIEF ADMINISTRATIVE LAW JUDGE MELANIE VERZWYVELT

REDACTED

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2 **(MCDONOUGH, GEORGIA), EX PARTE. IN RE: APPLICATION FOR A**
3 **COMMON CARRIER CERTIFICATE OF NON-HAZARDOUS OILFIELD**
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5 **HAZARDOUS WASTE FOR DISPOSAL, STATEWIDE.**

6 **CHIEF ADMINISTRATIVE LAW JUDGE MELANIE VERZWYVELT:**

7 Good morning. This is Administrative Law Judge Melanie Verzwylvelt. We are
8 convening a hearing, this Tuesday, January 12, 2021 in LPSC Docket Number T-
9 35735 - Bennett Motor Express, L.L.C., McDonough, Georgia, ex parte. In re:
10 Application for a common carrier certificate of non-hazardous oilfield waste, non-
11 hazardous industrial solid waste, and hazardous waste for disposal, statewide.
12 Would the parties please make appearances for the record?

13 **MR. HUNTER ODOM:** Thank you, Your Honor. Hunter Odom on behalf of the
14 applicant, Bennett Motor Express.

15 **MR. BARLOW HOLLEY:** May it please the tribunal, Barlow Holley on behalf
16 of Commission Staff.

17 **JUDGE VERZWYVELT:** Thank you. Did the parties want to make opening
18 statements?

19 **MR. ODOM:** Yes, Your Honor.

20 **JUDGE VERZWYVELT:** Okay. You may go ahead.

21 **MR. ODOM:** Thank you, Your Honor. The applicant, Bennett Motor Express, is
22 here today seeking a common carrier certificate authorizing the transportation of
23 non-hazardous industrial solid waste, non-hazardous oilfield waste, and hazardous

1 waste -- industrial -- hazardous waste, statewide, without restriction. The applicant
2 currently maintains passenger authority through Commission Certificate Number
3 8327. And it's here today seeking to expand its Commission regulated operations.
4 The applicant recently acquired a company that had Commission authority,
5 American Eagle Logistics, L.L.C., which is what prompted this application. The
6 applicant applied for this waste authority on September 23, 2020, and the
7 application was published in the Commission's Official Bulletin Number 1229 on
8 October 2, 2020. No interventions or protests were filed during the intervention
9 period. Staff has indicated its support of the application through its pre-hearing
10 statement; thus, at this point, the application is uncontested. The applicant today is
11 prepared to call two representatives of the company. Mr. Grant Brooker, who's the
12 general counsel for Bennett International Group, L.L.C. and he's also the secretary
13 of Bennett Motor Express, L.L.C. Bennett International Group is the parent
14 company of Bennett Motor Express, which we will explain in further detail upon
15 testimony. The other representative who's here to testify is Mr. Harold Vice, who
16 is a vice president with Bennett Motor Express, and he oversees the operations of
17 American Eagle Logistics Division of Bennett Motor Express. The representatives
18 are here to testify as to the applicant's administration, background, ownership
19 structure, permitting authorizations, and all other required areas to testify to
20 establish the applicant's fitness to operate per the directives of the Commission's
21 General Order dated January 23, 2018, Rule 33 of the Commission's Rules of
22 Practice and Procedure, and all other applicable law.

23 **JUDGE VERZWYVELT:** Thank you. Do you have anything to add, Mr. Holley?

1 **MR. HOLLEY:** Your Honor, simply as stated in Staff's pre-hearing statement,
2 Staff supports this application. There are no pending proceedings before the
3 Commission currently involving any citations, violations against the applicant.
4 And Staff is prepared to proceed to the taking of testimony.

5 **JUDGE VERZWYVELT:** All right. Thank you. You may call your first witness.

6 **MR. ODOM:** Thank you, Your Honor. The applicant calls Mr. Grant Brooker.
7 **Grant Brooker came forth as a witness; and, after having been duly sworn,**
8 **testified as follows:**

9 **DIRECT EXAMINATION BY MR. HUNTER ODOM**

10 **MR. ODOM:** Good morning, Mr. Brooker.

11 **MR. GRANT BROOKER:** Good morning.

12 **MR. ODOM:** All right. If you could please state your full name for the record.

13 **MR. BROOKER:** Grant R. Brooker.

14 **MR. ODOM:** Thank you, Mr. Brooker. And if you could please now provide a
15 brief summary of your individual experience in the waste hauling industry.

16 **MR. BROOKER:** I've been legal counsel in the 1990s for about 10 years for
17 Chisholm Specialized Carriers and Tri-State Motor Transit. Although there wasn't
18 any experience in the oil and gas industry, these were two of the leading motor
19 carriers in the country as far as AA&E; arms, ammunitions, and explosives; for the
20 Department of Defense and also for nuclear radioactive waste for the Department
21 of Energy.

22 **MR. ODOM:** Okay. Thank you, Mr. Brooker. And for the past five years you've
23 been working in commercial energy transportation as well?

1 **MR. BROOKER:** I'm sorry. For the past five years, Bennett Motor Express has
2 started an AA&E business, so they had worked for the government, the Department
3 of Defense freight for 20 years as an approved carrier but it became an approved
4 carrier for AA&E about three years ago. And so we've started that business, and
5 in 2019, we started a -- became an approved carrier for the Department of Energy
6 for the Idaho Laboratories.

7 **MR. ODOM:** Okay.

8 **MR. BROOKER:** For radioactive nuclear waste.

9 **MR. ODOM:** Okay. Thank you, Mr. Brooker. And where do you currently work?

10 **MR. BROOKER:** I work in McDonough, Georgia. I'm employed by Bennett
11 International Group, but I'm general counsel to each one of the operating
12 companies.

13 **MR. ODOM:** Okay. Thank you. And what is your job title with Bennett
14 International Group?

15 **MR. BROOKER:** General Counsel.

16 **MR. ODOM:** And it's true that you're also the secretary of Bennett Motor
17 Express, L.L.C.?

18 **MR. BROOKER:** Yes, I am. I'm manager and secretary.

19 **MR. ODOM:** Okay. All right. Thank you, Mr. Brooker. And if you could please
20 describe what the relationship is between Bennett Motor Express, L.L.C. and
21 Bennett International Group, L.L.C.

22 **MR. BROOKER:** Bennett Motor Express is a wholly-owned subsidiary of
23 Bennett International Group.

1 **MR. ODOM:** Thank you. And I believe you just briefly stated, but if you could
2 further state, what aspects of Bennett Motor Express, L.L.C. do you oversee as
3 general counsel and secretary?

4 **MR. BROOKER:** The departments of insurance and claims and contracts report
5 directly to me. However, I support -- I provide a support function for each one of
6 the departments for any various legal issues that may arise from HR to operations
7 to recruiting to whatever the need may be.

8 **MR. ODOM:** Okay. Thank you, Mr. Brooker. So it's fair to say that you're
9 authorized to speak on behalf of Bennett Motor Express, correct?

10 **MR. BROOKER:** Yes.

11 **MR. ODOM:** Thank you. All right. Now, Mr. Brooker, you briefly touched on it
12 but if you could also further describe the nature of Bennett Motor Express'
13 operations.

14 **MR. BROOKER:** Bennett Motor Express has been primarily a flatbed motor
15 carrier handling general commodities from anywhere from agricultural machinery
16 to Caterpillar construction machinery. They also do a lot of over-dimensional
17 hauling and a lot of super loads that require extensive permitting through the states
18 and escorts.

19 **MR. ODOM:** Okay. And you mentioned Bennett Motor Express has been in
20 business for over 47 years, correct?

21 **MR. BROOKER:** That's correct.

22 **MR. ODOM:** Okay. And it provides not just flatbed freight but also general
23 freight, over-dimensional freight, and super heavy hauling, correct?

1 **MR. BROOKER:** Correct.

2 **MR. ODOM:** Okay. And at this time, does Bennett Motor Express plan to conduct
3 Commission regulated business at 1247 Petroleum Parkway, Broussard, Louisiana
4 70518?

5 **MR. BROOKER:** Yes.

6 **MR. ODOM:** Okay. Thank you. And Mr. Brooker, you're here today seeking --
7 you're here today on behalf of Bennett Motor Express seeking a common carrier
8 certificate so that Bennett Motor Express may have the authority to transport non-
9 hazardous industrial solid waste, non-hazardous oilfield waste, and hazardous
10 waste intrastate in Louisiana without geographic restriction, correct?

11 **MR. BROOKER:** Yes.

12 **MR. ODOM:** Thank you. And does Bennett Motor Express maintain any
13 Commission authority at this time?

14 **MR. BROOKER:** The only permit it has is the passenger permit.

15 **MR. ODOM:** Okay. And is that Certificate Number 8327?

16 **MR. BROOKER:** Yes, it is.

17 **MR. ODOM:** Thank you. And Mr. Brooker, you mentioned that Bennett
18 International Group, L.L.C., which as a whole -- which is the parent company of
19 Bennett Motor Express, maintains other companies as well, correct?

20 **MR. BROOKER:** Yes.

21 **MR. ODOM:** Do any of these companies associated with Bennett Motor Express,
22 including American Eagle Logistics which was recently acquired, do any of these
23 companies maintain any Commission authority at this time?

1 **MR. BROOKER:** No, they do not.

2 **MR. ODOM:** Okay. Thank you. And American Eagle Logistics, L.L.C. was
3 recently acquired by Bennett Motor Express, L.L.C., correct?

4 **MR. BROOKER:** Yes, September 1st.

5 **MR. ODOM:** Okay. September 1, 2020?

6 **MR. BROOKER:** Yes.

7 **MR. ODOM:** Thank you. And did -- prior to the acquisition of American Eagle
8 Logistics by Bennett Motor Express, did American Eagle Logistics have
9 Commission authority?

10 **MR. BROOKER:** Yes, they did.

11 **MR. ODOM:** Was that through Certificate Numbers 7682 and 7719?

12 **MR. BROOKER:** Yes.

13 **MR. ODOM:** And have those been -- authorities been cancelled at this time?

14 **MR. BROOKER:** Yes, they have.

15 **MR. ODOM:** Okay. Thank you. So is the authority that is being sought today so
16 that American Eagle Logistics Division of Bennett Motor Express, is it so that they
17 may have the Commission authority to haul regulated waste?

18 **MR. BROOKER:** Yes. And just to clarify, although I said they acquired
19 American Eagle Logistics, it was done by way of asset purchase transaction. It
20 wasn't a stock transaction.

21 **MR. ODOM:** Okay. Thank you. So moving on with the permitting, Mr. Brooker,
22 does Bennett Motor Express currently have permitting or other state-issued
23 authority outside of Louisiana?

1 **MR. BROOKER:** Yes.

2 **MR. ODOM:** In about how many states does Bennett Motor Express maintain
3 permitting or authority?

4 **MR. BROOKER:** Well, permitting would probably be through all 48 continental
5 United States, but as far as intrastate authority for operations, I'd say anywhere
6 between 25 to 30, depending on the customer base at the time and need for intrastate
7 transportation.

8 **MR. ODOM:** Okay. Thank you. And what type of commodities does BME have
9 -- does Bennett Motor Express have the authority to transport in other states?

10 **MR. BROOKER:** Well, all commodities except for maybe explosives and
11 hazardous waste. It doesn't have hazardous waste authority.

12 **MR. ODOM:** Okay. Thank you. Mr. Brooker, what prompted Bennett Motor
13 Express to apply for this authority that you're seeking today?

14 **MR. BROOKER:** Because of the acquisition of the assets from AEL -- I'll refer
15 to American Eagle Logistics as AEL. The acquisition of those assets and the hiring
16 of those employees and the undertaking and the desire to undertake those operations
17 in the oil and gas industry and the fact that they already had that type of business
18 and were experienced in it. And that's what we were looking for to make that entry
19 into that business.

20 **MR. ODOM:** Okay. Thank you. All right, Mr. Brooker, I'd like to now ask you
21 to identify what has been labeled as Exhibit A.

22 **MR. BROOKER:** All right. That's our application to Louisiana Public Service
23 Commission.

1 **MR. ODOM:** Okay. And was that filed with the Commission on September 23,
2 2020?

3 **MR. BROOKER:** Yes.

4 **MR. ODOM:** Okay. Thank you. Your Honor, at this time, I'd like to request that
5 the application and its attachments be admitted as Exhibit A, in globo?

6 **JUDGE VERZWYVELT:** Okay. Is that public attachments or were there any --

7 **MR. ODOM:** Yes, Your Honor. This is the public version of the application with
8 the attachments.

9 **JUDGE VERZWYVELT:** Okay. Any objection?

10 **MR. ODOM:** No objection, Your Honor.

11 **JUDGE VERZWYVELT:** All right. Then the public version of the application
12 with attachments will be admitted as Exhibit A.

13 **MR. ODOM:** Thank you, Your Honor. All right. Mr. Brooker, at this time, I'd
14 like to discuss different aspects of the application. Beginning on this first page
15 here, could you please tell me who the business entity's authorized representatives
16 are?

17 **MR. BROOKER:** That would be Madonna Golson; Harold Vice, who's here
18 today with me; Keith Copeland, who is our vice president of safety; and myself as
19 general counsel.

20 **MR. ODOM:** Okay. Thank you. And does the business address that's stated
21 there, is that -- could you please tell me what that is?

22 **MR. BROOKER:** That's the corporate offices for Bennett Motor Express and the
23 other Bennett related companies.

1 **MR. ODOM:** Okay. And does all of this information -- all of this contact
2 information, does this still appear to be true and correct?

3 **MR. BROOKER:** Yes.

4 **MR. ODOM:** Okay. All right. Thank you. And if you look towards the bottom
5 of this page, Company Ownership -- the section titled Company Ownership and/or
6 Interest, it states that Bennett Motor Express is a foreign limited liability company
7 in the state of Georgia. Is that the correct date of formation down there?

8 **MR. BROOKER:** Well, that's the date of its conversion from a Inc. to an L.L.C.

9 **MR. ODOM:** Okay. Thank you. Okay. Mr. Brooker, now moving to Page 2 of
10 the application. Under the section titled Business Entity - Applicant Information,
11 could you please briefly describe the officers and members and ownership
12 percentages of Bennett Motor Express, please?

13 **MR. BROOKER:** Well, Bennett Motor Express, as I said, is a wholly-owned
14 subsidiary of Bennett International Group. So Bennett International Group owns a
15 hundred percent of the membership interest. And Marcia Taylor is the -- not only
16 a manager, her son David Lowry is a manager who's been active in the business for
17 the last 40 years. The ownership of Bennett International Group is principally
18 owned by Marcia Taylor, either individual or through trusts, and then with some
19 minority interests by her adult children through trusts that she's set up.

20 **MR. ODOM:** Okay.

21 **MR. BROOKER:** And then myself, I'm secretary to Bennett Motor Express and
22 Harold Vice is vice president.

1 **MR. ODOM:** Okay. Thank you. Now looking on down to Section 3 at the bottom
2 on Page 2, the Authority Type, is that correct that you're applying for all three types
3 of Commission regulated waste?

4 **MR. BROOKER:** Yes, we are.

5 **MR. ODOM:** Thank you. All right. Now, Mr. Brooker, I see under Equipment,
6 Section 5, it says please see attached, so we'll get to that. But moving on to Section
7 6, Terminals and Service of Process, the applicant proposes to commence
8 operations from that address that we previously addressed, that 1247 Petroleum
9 Parkway, correct?

10 **MR. BROOKER:** That's correct.

11 **MR. ODOM:** All right. Thank you. Now, Mr. Brooker, if you could please skip
12 a couple pages forward to the page titled Bennett Motor Express list of vehicles for
13 waste transportation. You see it?

14 **MR. BROOKER:** Yes.

15 **MR. ODOM:** Okay. Thank you. This was the list of owner-operator leases that
16 we attached to the original application, correct?

17 **MR. BROOKER:** That's correct.

18 **MR. ODOM:** Okay. All right. Thank you. And now if you could please skip
19 forward to what's been tabbed as A-1.

20 **MR. BROOKER:** Okay.

21 **MR. ODOM:** Does this appear to be -- could you please tell me what this is?

22 **MR. BROOKER:** This is a -- this is a Louisiana certificate acknowledging that
23 Bennett Motor Express is qualified to do business in this state.

1 **MR. ODOM:** Okay. Thank you, Mr. Brooker. Does it state that Bennett Motor
2 Express, L.L.C. filed charter and qualified to do business in the state of Louisiana
3 on February 21, 2003?

4 **MR. BROOKER:** Yes.

5 **MR. ODOM:** Thank you. And does it state that as of August 31, 2020, the office
6 of the Secretary of State recognizes Bennett Motor Express, L.L.C. as being in good
7 standing with that office?

8 **MR. BROOKER:** Yes, it does.

9 **MR. ODOM:** Okay. Thank you. Now, flipping to the next page, Mr. Brooker, is
10 this a certificate of existence issued by the state of Georgia?

11 **MR. BROOKER:** Yes, it is for Bennett Motor Express.

12 **MR. ODOM:** Thank you. And was this issued on April 30, 2007?

13 **MR. BROOKER:** Yes.

14 **MR. ODOM:** Thank you. Now to the next page, Mr. Brooker. Does this appear
15 to the articles of organization of Bennett Motor Express?

16 **MR. BROOKER:** These are the articles of organization that were done in
17 connection with the conversion from an Inc. to an L.L.C.

18 **MR. ODOM:** Okay. Thank you, Mr. Brooker. Now, the next page, does this
19 appear to be the operating structure of Bennett Motor Express?

20 **MR. BROOKER:** Yes.

21 **MR. ODOM:** Okay. Thank you. And as you previously stated, it shows that
22 Harold Vice is in charge of operations, Madonna Golson in charge of compliance,
23 and so on and so forth as the document states, correct?

1 **MR. BROOKER:** Yes.

2 **MR. ODOM:** Okay. Thank you. All right. Thank you, Mr. Brooker. Now, at
3 this point, Mr. Brooker, I'd like to just briefly discuss the company history. Could
4 you please tell me when Bennett Motor Express -- what year -- in which year it was
5 formed?

6 **MR. BROOKER:** In 1974.

7 **MR. ODOM:** Okay. And was it originally called something else?

8 **MR. BROOKER:** It's originally called -- Marcia Taylor and her former husband
9 purchased some motor authority from George Bennett Motor Express.

10 **MR. ODOM:** Okay. Thank you. All right. Thank you, Mr. Brooker. So now the
11 terminal that's located at 1247 Petroleum Parkway, Broussard, Louisiana 70518,
12 is that terminal owned or is it leased?

13 **MR. BROOKER:** It's leased from American Eagle Holdings, L.L.C.

14 **MR. ODOM:** Okay. Thank you. And does Bennett Motor Express share this
15 terminal with any other company?

16 **MR. BROOKER:** No, they don't.

17 **MR. ODOM:** Okay. And does Bennett Motor Express intend to operate out of
18 any additional terminals for regulated operations -- for Commission-regulated
19 operations?

20 **MR. BROOKER:** Sometime in the future for growth.

21 **MR. ODOM:** Okay. Thank you, Mr. Brooker. Now I'd like to discuss the
22 financials of Bennett Motor Express. Could you please tell me who oversees the
23 financial information for Bennett Motor Express?

1 **MR. BROOKER:** That would be David Pittman. He's our CFO of each one of
2 the operating companies, including Bennett International.

3 **MR. ODOM:** Okay. Thank you. And now Mr. Brooker, if you could please now
4 find what has been labeled as Exhibit B.

5 **MR. BROOKER:** All right.

6 **MR. ODOM:** Does this appear to be a -- the independent auditor's report that
7 includes combined financial statements for 2018 and 2019?

8 **MR. BROOKER:** Yes, it is.

9 **MR. ODOM:** Okay. Your Honor, at this time, I'd like to admit the independent
10 auditor's report that includes combined financial statements for 2018 and 2019 as
11 Exhibit B -- as confidentially as Exhibit B.

12 **JUDGE VERZWYVELT:** All right. Any objection?

13 **MR. HOLLEY:** No objection, Your Honor.

14 **JUDGE VERZWYVELT:** All right. Without objection, the independent
15 auditor's report, including the financial statements, will be admitted as Exhibit B,
16 confidentially.

17 **MR. ODOM:** Thank you, Your Honor. And Your Honor, at this time, I'd like to
18 briefly discuss some of the figures of Bennett Motor Express and some of the
19 affiliated companies and I'd like to request that all those figures be redacted from
20 the record.

21 **JUDGE VERZWYVELT:** Okay. So any numbers that are given in testimony
22 will be redacted from the record.

1 **MR. ODOM:** Thank you, Your Honor. Okay. Mr. Brooker, if you could please
2 now see what has been tabbed as B-1.

3 **MR. BROOKER:** All right.

4 **MR. ODOM:** Could you please tell me what this page is here?

5 **MR. BROOKER:** That's the combined balance sheet of the Bennett operating
6 companies.

7 **MR. ODOM:** Okay. Thank you. So this is the Bennett International Group,
8 L.L.C. and the subsidiaries and affiliates, correct?

9 **MR. BROOKER:** Yes.

10 **MR. ODOM:** Thank you. Could you please tell me what the total value of assets
11 was at the end of 2018?

12 **MR. BROOKER:** It was approximately [REDACTED].

13 **MR. ODOM:** Okay. Thank you. And what about the end of 2019?

14 **MR. BROOKER:** [REDACTED].

15 **MR. ODOM:** Okay. All right. Thank you. And could you please now tell me
16 what the total equity was at the end of 2018? It's on that same page.

17 **MR. BROOKER:** It's -- '18 was [REDACTED].

18 **MR. ODOM:** All righty. And then for 2019?

19 **MR. BROOKER:** [REDACTED].

20 **MR. ODOM:** Thank you. All right. Mr. Brooker, if you could turn to Page 2.
21 And please just briefly tell me what the comprehensive income was for 2018?

22 **MR. BROOKER:** It was approximately [REDACTED] -- excuse me -- [REDACTED].

23 **MR. ODOM:** And the comprehensive income for 2019?

1 **MR. BROOKER:** [REDACTED].

2 **MR. ODOM:** Thank you, Mr. Brooker. Mr. Brooker, now I'd like to -- I'd like

3 you to please locate what has been labeled as Exhibit C.

4 **MR. BROOKER:** All right.

5 **MR. ODOM:** Could you please tell me what this is?

6 **MR. BROOKER:** This is a consolidated income statement.

7 **MR. ODOM:** And this is --

8 **MR. BROOKER:** Of Bennett Motor Express that's done on a non-audited basis

9 but each of the operating companies have a individual unaudited income and

10 balance sheet that are done, that are reviewed by the auditors and approved.

11 **MR. ODOM:** Okay. Thank you, Mr. Brooker. Your Honor, at this time I'd like

12 to request that the consolidated statements of income and balance sheet for Bennett

13 Motor Express be admitted as Exhibit C, confidentially under seal.

14 **JUDGE VERZWYVELT:** Any objection?

15 **MR. HOLLEY:** No objection, Your Honor.

16 **JUDGE VERZWYVELT:** All right. Then the consolidated statement of income

17 for the period ended December 31, 2019 will be admitted as Exhibit C,

18 confidentially.

19 **MR. ODOM:** Thank you, Your Honor. Mr. Brooker, could you please tell me

20 what the net income after income taxes was for year ending December 31, 2019 for

21 Bennett Motor Express, L.L.C.?

22 **MR. BROOKER:** [REDACTED].

1 **MR. ODOM:** All right. And can also please identify what the gross profit was for
2 that same year, December -- that ended December 31, 2019 for Bennett Motor
3 Express?

4 **MR. BROOKER:** The gross profit?

5 **MR. ODOM:** Yes. It's on that same sheet there.

6 **MR. BROOKER:** Okay. It's [REDACTED].

7 **MR. ODOM:** Thank you. Okay. So Mr. Brooker, based on this information,
8 would you say that Bennett Motor Express, as a subsidiary of Bennett International
9 Group, is a financially viable company?

10 **MR. BROOKER:** Yes, it is.

11 **MR. ODOM:** Thank you. And Mr. Brooker, would -- are you aware if the owners
12 of the company are willing to provide more capital should there be a need for a
13 sudden injection of cash?

14 **MR. BROOKER:** They are.

15 **MR. ODOM:** Okay. Thank you. And has Bennett Motor Express ever had to file
16 for bankruptcy?

17 **MR. BROOKER:** No.

18 **MR. ODOM:** And do you believe that Bennett Motor Express is in a good
19 financial position moving forward?

20 **MR. BROOKER:** Yes, they are.

21 **MR. ODOM:** Okay. Thank you. Now Mr. Brooker, I'd like to please discuss
22 briefly the permittings and authorizations of Bennett Motor Express. If you could
23 please see what has been labeled as Exhibit D.

1 **MR. BROOKER:** All right.

2 **MR. ODOM:** Does this appear to be a detailed record of Bennett Motor Express
3 from the Louisiana Secretary of State?

4 **MR. BROOKER:** Yes, it is.

5 **MR. ODOM:** Okay. Could you please tell me what date this was issued by the
6 Secretary of State?

7 **MR. BROOKER:** Well, the registration date is February 21, 2003, and the issue
8 date on this is --

9 **MR. ODOM:** It's kind of small, up at the top left there.

10 **MR. BROOKER:** Okay. It's covered by the paperclip.

11 **MR. ODOM:** Right.

12 **MR. BROOKER:** January 11, 2021.

13 **MR. ODOM:** Okay. Thank you, Mr. Brooker. Your Honor, at this time, I'd like
14 to request that the detailed record of Bennett Motor Express from the Louisiana
15 Secretary of State be admitted as Exhibit D.

16 **JUDGE VERZWYVELT:** Any objection?

17 **MR. HOLLEY:** No objection, Your Honor.

18 **JUDGE VERZWYVELT:** All right. I have the detailed printout from the
19 Louisiana Secretary of State dated January 11, 2021. It will be admitted as Exhibit
20 D.

21 **MR. ODOM:** Thank you, Your Honor. Mr. Brooker, just to clarify, does this --
22 or does this detailed printout dated January 11, 2021 state that Bennett Motor
23 Express is in good standing with the Secretary of State of Louisiana?

1 **MR. BROOKER:** Yes, it does.

2 **MR. ODOM:** Thank you. And who is responsible for making the proper
3 administrative filings, such as the annual report, with the Louisiana Secretary of
4 State's office on behalf of Bennett Motor Express?

5 **MR. BROOKER:** My office does that. Mainly it is done by my paralegal.

6 **MR. ODOM:** Okay. Thank you. And who will be responsible for filing annual
7 reports with the Louisiana Public Service Commission on behalf of Bennett Motor
8 Express?

9 **MR. BROOKER:** I will primarily, but the -- it will be done with the assistance of
10 Harold Vice and Madonna Golson.

11 **MR. ODOM:** Okay. Thank you, Mr. Brooker. And do you understand, Mr.
12 Brooker, that Bennett Motor Express, L.L.C. will need to notify the Commission
13 of any changes of address or ownership of the entity?

14 **MR. BROOKER:** Yes.

15 **MR. ODOM:** Okay. And are you aware that you need -- that Bennett Motor
16 Express needs prior approval from the Louisiana Public Service Commission to sell
17 or transfer its common carrier certificate?

18 **MR. BROOKER:** Yes.

19 **MR. ODOM:** And are you aware that Bennett Motor Express will need to file any
20 owner-operator leases with the Louisiana Public Service Commission?

21 **MR. BROOKER:** Yes.

22 **MR. ODOM:** And are you aware that the inspection and supervision fee reports
23 must be filed on behalf of Bennett Motor Express with this Commission?

1 **MR. BROOKER:** Yes.

2 **MR. ODOM:** And Mr. Brooker, could you please now tell me who's responsible
3 for filing quarterly inspection and supervision fee reports with Louisiana
4 Department of Revenue on behalf of Bennett Motor Express?

5 **MR. BROOKER:** I'm ultimately making sure that they were filed, but it would
6 be done with the assistance of Harold Vice and Madonna Golson.

7 **MR. ODOM:** Okay. Thank you, Mr. Brooker. And who is responsible for
8 maintaining regulatory compliance with state and federal agencies on behalf of
9 Bennett Motor Express?

10 **MR. BROOKER:** I am, overall.

11 **MR. ODOM:** And if more filings, permits, and/or authorizations are required from
12 state and federal agencies to be obtained by Bennett Motor Express, do you have
13 the ability to apply for such permits?

14 **MR. BROOKER:** Yes, I do.

15 **MR. ODOM:** Okay. Mr. Brooker, are you willing to obtain such permits on behalf
16 of Bennett Motor Express if necessary?

17 **MR. BROOKER:** Yes.

18 **MR. ODOM:** All right. And are you aware that you need to keep -- that Bennett
19 Motor Express needs to keep the contact information on file with the Commission
20 updated at all times?

21 **MR. BROOKER:** Yes.

1 **MR. ODOM:** Okay. And for clarification purposes, Mr. Brooker, could you
2 please confirm -- is it -- could you confirm that the DOT number of Bennett Motor
3 Express is 92693?

4 **MR. BROOKER:** Yes.

5 **MR. ODOM:** All right. Thank you, Mr. Brooker. I'd like to now briefly discuss
6 the safety aspects of Bennett Motor Express. Could you please tell me who
7 oversees Bennett Motor Express' safety operations?

8 **MR. BROOKER:** The vice president of safety is Keith Copeland.

9 **MR. ODOM:** Thank you, Mr. Brooker. And do you believe that Bennett Motor
10 Express operates in a safe and efficient manner?

11 **MR. BROOKER:** I do.

12 **MR. ODOM:** And is Bennett Motor Express a member of any safety
13 organizations?

14 **MR. BROOKER:** Yes.

15 **MR. ODOM:** Okay. Is it true that Bennett Motor Express is a member of Truck
16 Carriers Association?

17 **MR. BROOKER:** Yes.

18 **MR. ODOM:** Is it true that Bennett Motor Express is a member of SC&RA Safety
19 Council?

20 **MR. BROOKER:** Yes.

21 **MR. ODOM:** Is it true that Bennett Motor Express is a member of the Machine
22 Haulers Association's Safety and Security Conference?

23 **MR. BROOKER:** Yes.

1 **MR. ODOM:** Is it true that Bennett Motor Express is a member of Flatbed Safety
2 Council which is comprised of US flatbed carriers?

3 **MR. BROOKER:** Yes.

4 **MR. ODOM:** And is it true that Bennett Motor Express is a member of LMTA,
5 which is the Louisiana Motor Transport Association?

6 **MR. BROOKER:** Yes.

7 **MR. ODOM:** And is it true that Bennett Motor Express is a member of Houston
8 Safety Council?

9 **MR. BROOKER:** Yes.

10 **MR. ODOM:** Okay. Thank you, Mr. Brooker. And are you individually a member
11 of any safety committees as Bennett Motor Express' general counsel?

12 **MR. BROOKER:** I'm on the safety committee of the American Trucking
13 Association?

14 **MR. ODOM:** Okay. Thank you, Mr. Brooker. Moving on to the safety and
15 environmental policies of Bennett Motor Express. Mr. Brooker, could you please
16 tell me who developed the health, safety, environmental policy for Bennett Motor
17 Express?

18 **MR. BROOKER:** They were developed by Keith Copeland our vice president of
19 safety in conjunction with working with Robert Thompson, the main safety guy at
20 -- formerly with AEL and Robert Vice and Madonna Golden.

21 **MR. ODOM:** Okay.

22 **MR. BROOKER:** Golson.

1 **MR. ODOM:** Thank you, Mr. Brooker. At this time, I'd like to request that you
2 locate what has been labeled as Exhibit E. Could you please tell me what this
3 appears to be?

4 **MR. BROOKER:** It appears to be the table of contents for the health, safety, and
5 environmental policy of BME, Bennett Motor Express.

6 **MR. ODOM:** All right. Thank you, Mr. Brooker. Your Honor, at this time, I'd
7 like to request that the table of contents for the health, safety, and environmental
8 policy as well as the health, safety, and environmental policy in its entirety that's
9 on CD be admitted as Exhibit E, in globo.

10 **JUDGE VERZWYVELT:** All right. And that's been provided to the court
11 reporter?

12 **MR. ODOM:** Yes, Your Honor.

13 **JUDGE VERZWYVELT:** All right. Any objection?

14 **MR. HOLLEY:** No objection, Your Honor.

15 **JUDGE VERZWYVELT:** Okay. Without objection, the table of contents and
16 the entirety of the health, safety, and environmental policy on CD will be admitted
17 as Exhibit E, in globo.

18 **MR. ODOM:** Thank you, Your Honor. All right. Mr. Brooker, can you please
19 briefly describe the purpose of this health, safety, and environmental policy?

20 **MR. BROOKER:** It's to ensure that we have safety policies and procedure in
21 place to protect the motoring public, the public in general, and also the employees
22 and contractors of Bennett Motor Express.

1 **MR. ODOM:** Okay. Thank you, Mr. Brooker. And is it also the purpose of the
2 health, safety, and environmental policy to give guidelines and industry standards
3 for safe and efficient operations generally?

4 **MR. BROOKER:** Yes, it is.

5 **MR. ODOM:** Okay. Thank you. So Mr. Brooker, would you say that the health,
6 safety, environmental policy is comprehensive?

7 **MR. BROOKER:** Yes.

8 **MR. ODOM:** Okay. And it -- does it cover all -- does the health, safety,
9 environmental policy cover all aspects related to health and safety of Bennett Motor
10 Express?

11 **MR. BROOKER:** Yes, I think in an extensive way.

12 **MR. ODOM:** Thank you. And does Bennett Motor Express ensure that all of its
13 drivers follow the applicable guidelines and industry standards provided for in this
14 health, safety, environmental policy?

15 **MR. BROOKER:** They do.

16 **MR. ODOM:** Okay. And does this health, safety, and environmental policy
17 describe the alcohol and substance abuse policy of Bennett Motor Express?

18 **MR. BROOKER:** Yes, it does.

19 **MR. ODOM:** Is that located on Page 63 of the health, safety, environmental
20 policy?

21 **MR. BROOKER:** Yes.

22 **MR. ODOM:** Okay. Thank you. Could you please describe, generally, the alcohol
23 and substance abuse policy of Bennett Motor Express?

1 **MR. BROOKER:** It follows FMCSA guidelines. However, the oil and gas
2 division that was previously at AEL, American Eagle, has a little stricter guidelines
3 that they go by so that not only would random, not only would testing according to
4 FMCSA regulations, they go beyond that to any incident.

5 **MR. ODOM:** Okay. Thank you, Mr. Brooker. So is it fair to say that the alcohol
6 and substance abuse policy at Bennett Motor Express is a zero tolerance policy?

7 **MR. BROOKER:** Yes.

8 **MR. ODOM:** Are employees and drivers subject to random drug testing and
9 awareness programs?

10 **MR. BROOKER:** Yes.

11 **MR. ODOM:** And this is all, as you stated, per the FMCSA regulations?

12 **MR. BROOKER:** Yes.

13 **MR. ODOM:** Thank you. Does Bennett Motor Express utilize a controlled
14 substance and alcohol screener?

15 **MR. BROOKER:** Yes.

16 **MR. ODOM:** And does every driver of Bennett Motor Express have to take a drug
17 test prior to employment?

18 **MR. BROOKER:** Yes.

19 **MR. ODOM:** Does every driver of Bennett Motor Express have to take random
20 drug testing?

21 **MR. BROOKER:** Yes.

22 **MR. ODOM:** Are all drivers of Bennett Motor Express subject to post-incident
23 drug testing and alcohol testing?

1 **MR. BROOKER:** Yes.

2 **MR. ODOM:** Are all drivers of Bennett Motor Express required to be subjected
3 to reasonable suspicious drug and alcohol testing?

4 **MR. BROOKER:** Yes.

5 **MR. ODOM:** Does Bennett Motor Express maintain a cell phone policy?

6 **MR. BROOKER:** Yes.

7 **MR. ODOM:** Okay. What is the cell phone policy of Bennett Motor Express,
8 generally, Mr. Brooker?

9 **MR. BROOKER:** Generally, the policy has been no handheld, but in the oil and
10 gas and some other divisions we've had it's been a no tolerance of any cell phone
11 while the vehicle is in use.

12 **MR. ODOM:** Okay. Thank you, Mr. Brooker. And is this policy found on Page
13 11 of the health, safety, environmental policy of Bennett Motor Express?

14 **MR. BROOKER:** I'm not seeing -- I don't have the whole policy in front of me,
15 and I'm looking at the table of contents. I don't see a page 11 there.

16 **MR. ODOM:** Yeah. We can -- you've flipped through the table -- you've read
17 through the health, safety, environmental policy, though, and there is one within --

18 **MR. BROOKER:** Yes, I just didn't see the Page 11 listed in the table of contents.

19 **MR. ODOM:** Yes, that's true. Okay. Thank you, Mr. Brooker. Do you update
20 the alcohol and substance abuse policy and all other programs related to safety as
21 needed?

22 **MR. BROOKER:** Yes. The safety department does.

1 **MR. ODOM:** And Mr. Brooker, does Bennett Motor Express conduct safety
2 meetings?

3 **MR. BROOKER:** Yes, they do.

4 **MR. ODOM:** Are the current safety policies of Bennett Motor Express that owner-
5 operators are required to attend quarterly safety meetings?

6 **MR. BROOKER:** Well, we really have two standards. The operators or the
7 operation that would operate under this permit that's being applied for have
8 mandatory quarterly safety meeting attendance. In other divisions of Bennett
9 Motor Express, it's encouraged, their offered more than just on a quarterly basis
10 and it's incentivized by monetarily.

11 **MR. ODOM:** Okay. But these -- they are -- all of the owner-operators are required
12 to attend quarterly safety meetings at least once, correct?

13 **MR. BROOKER:** Yes.

14 **MR. ODOM:** Okay. And this policy is for all drivers regardless if they haul
15 Commission regulated waste or not, correct?

16 **MR. BROOKER:** Yes.

17 **MR. ODOM:** Okay. And does Bennett Motor Express keep record of these
18 quarterly safety meetings for at least three years?

19 **MR. BROOKER:** Yes.

20 **MR. ODOM:** Okay. Thank you, Mr. Brooker. In addition to these safety meetings
21 and all additional safety measures, the health and safety, environmental policy and
22 others, how does Bennett Motor Express make sure drivers are properly trained to
23 haul waste?

1 **MR. BROOKER:** Well, first they make sure they hire qualified and experienced
2 operators in hauling waste. Secondly, they have regular training, not just the
3 monthly, quarterly meetings but tailgate-type safety meetings and different
4 operations. Regular monthly meetings from the safety department through call-ins
5 on a monthly basis where we might have an attendance of 800 callers made up
6 primarily of drivers. And then we also have other safety awareness programs plus
7 the individual terminals carry on monthly safety meetings.

8 **MR. ODOM:** Okay. Thank you, Mr. Brooker. Does Bennett Motor Express hire
9 drivers with experience? Is that a policy of Bennett Motor Express to hire drivers
10 with experience?

11 **MR. BROOKER:** Yes. And that experience is based on the type of commodities
12 that they'll be hauling.

13 **MR. ODOM:** Okay. Thank you, Mr. Brooker. And does Bennett Motor Express
14 drivers, do they watch pre-employment awareness videos?

15 **MR. BROOKER:** Yes.

16 **MR. ODOM:** And do these videos cover pre-, mid-, and post-trip inspections?

17 **MR. BROOKER:** Yes.

18 **MR. ODOM:** Do these videos cover hours of service?

19 **MR. BROOKER:** Yes.

20 **MR. ODOM:** CSA course?

21 **MR. BROOKER:** Yes.

22 **MR. ODOM:** Defensive driving?

23 **MR. BROOKER:** Yes.

1 **MR. ODOM:** ELD compliance?

2 **MR. BROOKER:** Yes.

3 **MR. ODOM:** Flatbed cargo securement?

4 **MR. BROOKER:** Yes. We also do a hands-on cargo securement.

5 **MR. ODOM:** Okay. Roadside inspections?

6 **MR. BROOKER:** Yes.

7 **MR. ODOM:** Space management?

8 **MR. BROOKER:** Yes.

9 **MR. ODOM:** And tarping basics?

10 **MR. BROOKER:** Yes.

11 **MR. ODOM:** And once drivers arrive at onboard and orientation, do they

12 participate in safety awareness interaction classes?

13 **MR. BROOKER:** Yes, they do.

14 **MR. ODOM:** Thank you. Mr. Brooker, now I'd like to briefly discuss the

15 insurance of Bennett Motor Express. If you could please tell me who is responsible

16 for making sure Bennett Motor Express is fully insured for Commission regulated

17 operations.

18 **MR. BROOKER:** My department is.

19 **MR. ODOM:** Okay. Thank you. Mr. Brooker, could you now please see what

20 has been labeled as Exhibit F.

21 **MR. BROOKER:** All right.

22 **MR. ODOM:** Does this appear to be an updated ACORD certificate of liability

23 for Bennett Motor Express?

1 **MR. BROOKER:** Yes, it is.

2 **MR. ODOM:** Could you please tell me the effective date of this policy?

3 **MR. BROOKER:** October 6, 2020.

4 **MR. ODOM:** And what's the expiration date of this policy?

5 **MR. BROOKER:** Is October 6, 2021.

6 **MR. ODOM:** Okay. Thank you. Your Honor, at this time, I'd like to request that

7 the ACORD certificate of liability effective October 6, 2020 be admitted as Exhibit

8 E.

9 **JUDGE VERZWYVELT:** Any objection?

10 **MR. ODOM:** Excuse me, Exhibit F, Your Honor.

11 **MR. HOLLEY:** No objection, Your Honor, but I would like to, in cross, clarify

12 the effective date of one of the parts of the policy but no objections.

13 **JUDGE VERZWYVELT:** Okay. Without objection, Exhibit F will be admitted.

14 **MR. ODOM:** Thank you, Your Honor. Mr. Brooker, could you please describe

15 the effective date of the motor truck cargo insurance policy provided for in this

16 certificate?

17 **MR. BROOKER:** That's October 30, 2020.

18 **MR. ODOM:** So Mr. Brooker, the insurance provided for -- the motor truck cargo,

19 so that would be the fifth one down on the coverages.

20 **MR. BROOKER:** Right. So that expired 2021. We -- March 30, 2021. We just

21 recently, last week, went through a renewal and have agreed on a renewal pricing

22 early.

1 **MR. ODOM:** Okay. Thank you, Mr. Brooker. All right. And Mr. Brooker, is
2 Bennett Motor Express currently insured as required by law, including Louisiana
3 Public Service Commission rules and regulations?
4 **MR. BROOKER:** Yes.
5 **MR. ODOM:** Thank you. And are the trucks of the owner-operators insured as
6 required by law?
7 **MR. BROOKER:** Yeah. They're listed as Code 61 under the policies, which is
8 any vehicle.
9 **MR. ODOM:** Okay. Thank you, Mr. Brooker. Will the owner-operator leased
10 trucks be fully insured as required by law going forward?
11 **MR. BROOKER:** Yes.
12 **MR. ODOM:** And will all trucks of Bennett Motor Express be insured as required
13 by law?
14 **MR. BROOKER:** Yes.
15 **MR. ODOM:** Thank you. And if additional trucks are purchased by Bennett
16 Motor Express, will those be insured as required by law?
17 **MR. BROOKER:** Yes. They'd be automatically covered under our policy.
18 **MR. ODOM:** Okay. And Mr. Brooker, you're aware that the insurance on file
19 with the Commission on behalf of Bennett Motor Express will need to be kept up
20 to date, correct?
21 **MR. BROOKER:** Yes.

1 **MR. ODOM:** Thank you. And Mr. Brooker, is Bennett Motor Express prepared
2 to immediately begin safe and efficient operations if this common carrier certificate
3 is granted?

4 **MR. BROOKER:** They are.

5 **MR. ODOM:** All right. Thank you, Mr. Brooker. No further questions, Your
6 Honor.

7 **JUDGE VERZWYVELT:** All right. Thank you. Mr. Holley.

8 **CROSS-EXAMINATION BY MR. BARLOW HOLLEY**

9 **MR. HOLLEY:** Thank you, Your Honor. I have just a very few questions, and
10 please forgive my redundancy but it's for the sake of clarification.

11 **MR. BROOKER:** All right.

12 **MR. HOLLEY:** There are no intermediate holding companies in Bennett's
13 ownership structure, are there?

14 **MR. BROOKER:** Which Bennett are you referring to?

15 **MR. HOLLEY:** Bennett Motor Express, L.L.C., my apologies.

16 **MR. BROOKER:** No. There's -- the immediate holding company is Bennett
17 International Group.

18 **MR. HOLLEY:** And it is the 100 percent member of that limited liability
19 company, Bennett Motor Express?

20 **MR. BROOKER:** Yes.

21 **MR. HOLLEY:** Okay. And does it share any employees with any other affiliate?

22 **MR. BROOKER:** Not specifically. Generally, it does. For example, our safety
23 department, various people are designated to handle Bennett Motor Express issues.

1 Also, my role as general counsel, I serve as both Bennett Motor Express and the
2 other affiliated companies. The same thing would occur on our accounting basis
3 where we have specialized people in the accounting department specified to handle
4 the Bennett Motor Express account.

5 **MR. HOLLEY:** But Bennett Motor Express, L.L.C. has its own employees, not
6 all employees are shared?

7 **MR. BROOKER:** That's correct.

8 **MR. HOLLEY:** Okay. And does Bennett Motor Express, L.L.C. also lease any
9 property from any of its affiliates?

10 **MR. BROOKER:** Yes. Bennett Motor Express and the various facilities, most of
11 the properties are owned by Marcia Taylor, the principal owner either directly or
12 indirectly through some trusts she owns -- she's the trustee of.

13 **MR. HOLLEY:** Bennett Motor Express, L.L.C., though, does possess and own
14 property in its own name and in its own right though, correct?

15 **MR. BROOKER:** It does not own in its own name and own right other than the
16 assets used in the operation but not real estate.

17 **MR. HOLLEY:** Okay. Yes. I'm including both movable and immovable property
18 not just real property.

19 **MR. BROOKER:** Okay. Yes. It owns trucks, trailers.

20 **MR. HOLLEY:** Okay. What are the company's current unregulated operations,
21 if any, in the state of Louisiana?

22 **MR. BROOKER:** Just intra -- well, I don't know if we have any intrastate. I don't
23 believe that we did because -- well, I don't know the exact customer that's set up

1 for that because it can vary over time. As we talked about, the intrastate operations
2 in Louisiana that were -- that they filed with the Secretary of State to do were --
3 was done in 2003, I believe.

4 **MR. HOLLEY:** Okay. And Certificate Number 8327, Bennett Motor Express,
5 L.L.C.'s passenger certificate is still active?

6 **MR. BROOKER:** That's for the -- yes, it is.

7 **MR. HOLLEY:** Okay. How many terminals does the company currently operate
8 or will it operate in total in Louisiana?

9 **MR. BROOKER:** Only one that I know of. There's another yard.

10 **MR. HOLLEY:** And that one is at 1247 Petroleum Parkway, Broussard, Louisiana
11 70518?

12 **MR. BROOKER:** Yes.

13 **MR. HOLLEY:** Okay. And the company's trucks are dispatched from that
14 terminal, correct?

15 **MR. BROOKER:** Yes.

16 **MR. HOLLEY:** Approximately how many terminals does the company own or
17 lease outside of Louisiana?

18 **MR. BROOKER:** I would say roughly 40. It's difficult because some of our
19 facilities are operated by agents, they're not company-owned stores. So that would
20 be -- include some of those agents.

21 **MR. HOLLEY:** Are there any prospective waste generators for which the
22 company is expected to work if it is granted authority to operate?

1 **MR. BROOKER:** I don't know the exact names of them, but my understanding
2 is that the primary function that AEL has utilized for this permit previously are the
3 picking up the transport/delivery of toter tanks in connection with the non-
4 hazardous oilfield waste and taking it to cleaning facilities.

5 **MR. HOLLEY:** Okay. How many total employees does the company have
6 approximately?

7 **MR. BROOKER:** I'm sorry?

8 **MR. HOLLEY:** How many total employees does the company have
9 approximately?

10 **MR. BROOKER:** 180.

11 **MR. HOLLEY:** And how many of these employees are expected to live and work
12 in Louisiana?

13 **MR. BROOKER:** So actual employees, I would say some of them might live in
14 Texas so I get a little confused but I would roughly say 50.

15 **MR. HOLLEY:** Approximately 50. And how many of the company's drivers are
16 expected to live and work in Louisiana? Not just employees in general but drivers
17 specifically.

18 **MR. BROOKER:** Fifty-four.

19 **MR. HOLLEY:** Does the company anticipate hiring any additional employees if
20 its application is granted?

21 **MR. BROOKER:** Yes.

22 **MR. HOLLEY:** Who is the company's registered agent in the state of Louisiana?

1 **MR. BROOKER:** Primarily I've been using a service CSC Corporation, so I
2 assume that's who it is. I'd have to look and check for sure, but I've done a move
3 towards that over the last couple of years so I have one uniform system and I can
4 look up and see any service and electronically oversee that.

5 **MR. HOLLEY:** And by CSC, you're referring to Corporation Services Company,
6 correct?

7 **MR. BROOKER:** Yes.

8 **MR. HOLLEY:** And would you be the company's regulatory contact with the
9 Louisiana Public Service Commission?

10 **MR. BROOKER:** Yes, I would be for just ensuring that we have compliance but
11 if they're any issues, Harold Vice and Madonna Golson would be the main persons
12 that I'd rely on.

13 **MR. HOLLEY:** But you would be ultimately responsible for communicating with
14 the Commission regarding compliance and regulatory issues, correct?

15 **MR. BROOKER:** Yes. Some of the quarterly filings, those would be done by
16 Harold Vice and Madonna Golson.

17 **MR. HOLLEY:** Okay. Regarding Certificate Number 8327 for authority to
18 transport passengers over regular routes, statewide, is the company in full
19 compliance with the Louisiana Public Service Commission's rules and regulations
20 in terms of that certificate of authority to operate?

21 **MR. BROOKER:** As far as I know, yes.

22 **MR. HOLLEY:** Are there any encumbrances on that certificate of authority to
23 operate?

1 **MR. BROOKER:** No.

2 **MR. HOLLEY:** Does the company plan to apply for a certificate to haul and
3 transport saltwater in relation to exploration production of oil and gas in the state
4 of Louisiana?

5 **MR. BROOKER:** I believe that we do intend to do that. We've had discussions
6 about the need for that.

7 **MR. HOLLEY:** Regarding insurance, I would direct your attention to Exhibit
8 Number F. When is the next policy to expire or when are the dates, I should say,
9 when the policy will next expire?

10 **MR. BROOKER:** For auto liability?

11 **MR. HOLLEY:** All of them.

12 **MR. BROOKER:** Well, all of them except for cargo is October 6, 2021.

13 **MR. HOLLEY:** And for motor truck cargo insurance?

14 **MR. BROOKER:** That's March 30, 2021.

15 **MR. HOLLEY:** And the company will renew its insurance policy before the next
16 expiry date and every subsequent expiry date?

17 **MR. BROOKER:** Yes, we will.

18 **MR. HOLLEY:** And the company will, in the course of compliance in this docket
19 and going forward on an ongoing basis, file an updated Form E if there is any
20 change in the insurance policy, underwriter, et cetera?

21 **MR. BROOKER:** Yes, we will.

1 **MR. HOLLEY:** Now drawing your attention to the company's finances, would
2 you happen to know approximately what the debt to equity ratio of Bennett Motor
3 Express, L.L.C. is?

4 **MR. BROOKER:** Approximately ■■■.

5 **MR. HOLLEY:** That would be ■■■ percent debt to ■■■ percent equity?

6 **MR. BROOKER:** Yes.

7 **MR. HOLLEY:** And according to the company's audited financial statements,
8 which were previously admitted as Exhibits E and C, depending on the scope of the
9 audits, does the company have a positive net income?

10 **MR. BROOKER:** Yes.

11 **MR. HOLLEY:** And based upon the company's audited financial statements, the
12 company appears to be financially stable and sustainable?

13 **MR. BROOKER:** Yes.

14 **MR. HOLLEY:** If this application is granted, how will it affect the applicant's
15 financial condition? Will it improve it?

16 **MR. BROOKER:** It would improve it. We would hope to expand those
17 operations.

18 **MR. HOLLEY:** And does the company anticipate that its net revenue or profit
19 will substantially increase if the Commission grants this application?

20 **MR. BROOKER:** We do.

21 **MR. HOLLEY:** Are there any financial factors that would limit the applicant from
22 providing safe and efficient transportation of waste?

23 **MR. BROOKER:** No.

1 **MR. HOLLEY:** Is the applicant current on filing all of its state and federal tax
2 returns?

3 **MR. BROOKER:** We are.

4 **MR. HOLLEY:** Has Bennett Motor Express, L.L.C. ever been subject to an
5 Internal Revenue Service audit?

6 **MR. BROOKER:** No.

7 **MR. HOLLEY:** And has the applicant been subject to state tax audits?

8 **MR. BROOKER:** I think as I indicated in the data request that in 2017, we had
9 an inquiry regarding 1099s to our contractors based on a 2015 year, and then there
10 was a finding of no tax change.

11 **MR. HOLLEY:** That was in the state of Georgia, correct?

12 **MR. BROOKER:** Yes.

13 **MR. HOLLEY:** Does the company have any close or longstanding relationship
14 with a bank or other financial institution from which it might be able to obtain
15 capital?

16 **MR. BROOKER:** Yes. Our senior lending facility is with what used to BB&T is
17 now Truist.

18 **MR. HOLLEY:** Are there any financial restrictions that would prohibit the
19 company from undertaking any specific type of work?

20 **MR. BROOKER:** No.

21 **MR. HOLLEY:** And the company's trucks are owned or leased, the case may be,
22 to the best of your knowledge free and clear of any and all encumbrances?

1 **MR. BROOKER:** Well, we have trucks that we have under some leases and
2 financing agreements, but other than that, yes.

3 **MR. HOLLEY:** Approximately, how many trucks would be encumbered that are
4 owned by the company?

5 **MR. BROOKER:** Approximately 50.

6 **MR. HOLLEY:** And that's out of a total of how many trucks?

7 **MR. BROOKER:** That are owned?

8 **MR. HOLLEY:** Yes.

9 **MR. BROOKER:** Not leased?

10 **MR. HOLLEY:** Not leased.

11 **MR. BROOKER:** Approximately 200.

12 **MR. HOLLEY:** If financing for company trucks were necessary in the future,
13 additional financing, would the company have any issues making timely payments
14 under any such financing arrangements?

15 **MR. BROOKER:** No.

16 **MR. HOLLEY:** Does the applicant have all necessary authorizations, permits,
17 licenses from state and federal agencies to exercise the authority to transport and
18 dispose of the types of waste requested in this application?

19 **MR. BROOKER:** They do.

20 **MR. HOLLEY:** And does the applicant have a valid motor carrier number from
21 the United States Department of Transportation?

22 **MR. BROOKER:** Yes.

23 **MR. HOLLEY:** Would that number happen to be 129712?

1 **MR. BROOKER:** Yes.

2 **MR. HOLLEY:** Does the applicant have a valid Environmental Protection
3 Agency Identification Number?

4 **MR. BROOKER:** My hesitation is we have some companies that do have a
5 number and I'm not positive that Bennett Motor Express has an actual number.

6 **MR. HOLLEY:** Were it necessary to obtain such an EPA identification number
7 would Bennett Motor Express, L.L.C. have any trouble or difficulty --

8 **MR. BROOKER:** No.

9 **MR. HOLLEY:** Okay. Does the applicant have any valid permits from the
10 Louisiana Department of Environmental Quality for the transportation of non-
11 hazardous industrial solid waste?

12 **MR. BROOKER:** Not that I know of.

13 **MR. HOLLEY:** Should it become necessary, would the company have any
14 difficulty in initiating the process for obtaining that number with LDEQ?

15 **MR. BROOKER:** No, we would not.

16 **MR. HOLLEY:** Moving on to safety, could you briefly describe the hiring process
17 for your company's drivers?

18 **MR. BROOKER:** We utilize what's referred to as Tenstreet, so a lot of the
19 applications are processed through that. We have an extremely high requirements
20 that we disqualify just through the application process, often times because of a
21 lack of experience, approximately 70 percent of the applications we get. Those go
22 through a recruiting department and then go to our safety department and
23 interviewed by safety qualification people with the various industries or divisions

1 that might be involved. And then they report to the vice president of safety to make
2 any determination if there's any question about their qualifications.

3 **MR. HOLLEY:** Depending on the industry and the type of material that's being
4 transported, what's the minimum experience expected of a new driver?

5 **MR. BROOKER:** Depends on the industry and we've moved it around a little bit
6 with Bennett Motor Express. Harold Vice would have to talk more about the oil
7 and gas division; that's what he's here for. But generally for a long time, it had
8 been five years with at least three years flatbed experience. We've made some
9 exceptions over the last few years to if somebody's had van experience, if they were
10 willing to attend special securement classes to allow that, but generally our effort
11 is to make sure they already have the experience in that type of industry, that
12 transporting and securing that type of commodity.

13 **MR. HOLLEY:** In cases in which the driver would not have the generally
14 accepted level of experience, what exceptions would be made, as you mentioned in
15 testimony, would there be a drive-along program or any other training programs
16 that they would go through in addition to those previously testified to?

17 **MR. BROOKER:** We haven't done a drive-along program, but we've talked
18 about it. The biggest difference was we would previously never allow someone
19 that hadn't had at least one year within the last three years flatbed experience come
20 on, and we've considered making some exceptions, started some securement
21 classes to allow someone if they attended those in-house securement classes to --
22 and had the van and over-road experience to utilize them in the flatbed. And then

1 we would mentor them with another driver that we hooked them up with but not
2 necessarily driving with them.

3 **MR. HOLLEY:** Okay. And the company requires that all of its drivers possess
4 and maintain commercial driver's licenses?

5 **MR. BROOKER:** Yes.

6 **MR. HOLLEY:** Does the company conduct a criminal background check on every
7 new employee?

8 **MR. BROOKER:** Yes, we do.

9 **MR. HOLLEY:** Does the company check and verify every new employee's motor
10 vehicle record?

11 **MR. BROOKER:** They don't check every non-driving employee's motor vehicle
12 records, only -- we do check the employees who are going to be driving company
13 cars. We do an employee -- a motor vehicle check on them.

14 **MR. HOLLEY:** Does the health and safety manual include transportation specific
15 safety programs, say for example, for hazardous waste or non-hazardous industrial
16 solid waste or other types of waste?

17 **MR. BROOKER:** I'm sorry. What program is that?

18 **MR. HOLLEY:** That would be the health and safety manual that was previously
19 admitted into evidence as Exhibit --

20 **MR. BROOKER:** Yeah. Harold Vice would really have to attest to that.

21 **MR. HOLLEY:** Speak to that. Is the health and safety manual issued to or
22 otherwise readily available to all employees of the company?

23 **MR. BROOKER:** Yes, it is.

1 **MR. HOLLEY:** Are all employees or at least drivers of the company required to
2 read the health and safety manual?

3 **MR. BROOKER:** Yes.

4 **MR. HOLLEY:** As you previously testified, the health and safety manual was
5 comprehensive. Are there no other health and safety documents used by the
6 company and specialized for particular circumstances beyond the health and safety
7 manual?

8 **MR. BROOKER:** Yes, there are. I mean, we've had various driver and contractor
9 manuals that have been used. This particular document was created in connection
10 with the acquisition of the operations of AEL.

11 **MR. HOLLEY:** Speaking of American Eagle Logistics, L.L.C., otherwise known
12 as AEL, that is not at all in any way a separate legal entity to Bennett Motor
13 Express, L.L.C. when it is referred to as a division of Bennett Motor Express,
14 L.L.C., correct?

15 **MR. BROOKER:** No. What we did, they wanted to retain the name, the name
16 recognition of American Eagle. And in fact, we've agreed in putting together a
17 logo that we would drop the logistics word in there. There is a separate legal entity
18 that we didn't acquire and they are -- were in winddown if they haven't completed
19 winddown by now.

20 **MR. HOLLEY:** Does this American Eagle Division of Bennett Motor Express
21 specialize in the transportation hauling of hazardous waste or will it do so once
22 granted authority?

23 **MR. BROOKER:** Yes.

1 **MR. HOLLEY:** In the Federal Motor Carrier Safety Administration's safety
2 measurements system, two crashes, one on February 14, 2019 and another on
3 March 21, 2019 were recorded that resulted in injuries and involved some of the
4 drivers of the company. Could you describe steps that were taken afterward,
5 remedial actions, discipline, training, et cetera, that occurred as a result of those
6 accidents?

7 **MR. BROOKER:** My understanding as to those particular accidents, the drivers,
8 the owner-operators, were terminated.

9 **MR. HOLLEY:** Does the applicant have any unresolved insurance claims or
10 workers' compensation claims pending against it or any of its drivers?

11 **MR. BROOKER:** It seems like we always have some workers' compensation
12 claims pending. We don't have any hotly contested one that I know of at this point
13 in time. But that's one thing we're always going to have where we have employee
14 drivers, there's going to be some occasional injuries and we generally address those
15 appropriately. We're proactive in getting people back to work rather than having
16 them sit out, but nothing comes to mind out of the ordinary type of claims we
17 experience in our business.

18 **MR. HOLLEY:** Approximately how many workers' compensation claims is the
19 company dealing with currently?

20 **MR. BROOKER:** When you say company, if you say Bennett Motor Express --

21 **MR. HOLLEY:** Yes.

22 **MR. BROOKER:** -- my guess would be three or four at this time.

1 **MR. HOLLEY:** Have Bennett Motor Express, L.L.C.'s employees ever been
2 asked to leave a job site for any reason?

3 **MR. BROOKER:** Not that I can recall off of the top of my head.

4 **MR. HOLLEY:** Has the applicant had any complaints from customers about its
5 drivers?

6 **MR. BROOKER:** I can't think of any specific incidents, but I'm sure over the
7 period of time -- you know, for me, when you ask about it, I represent all the
8 different companies. So if somebody told me in another Bennett company that a
9 customer had complained and we need to get rid of this driver, you know, based on
10 what he did, then that's something that could occur. But we, you know, we respond
11 to our customers and if they have inappropriate -- you know, if our drivers have
12 done something inappropriate, we take action.

13 **MR. HOLLEY:** Could you describe in a little more detail what action you would
14 take were Bennett Motor Express, L.L.C. to receive a complaint from a customer?

15 **MR. BROOKER:** Well, I mean, I can think of one right now. We're -- the driver's
16 now claimed that -- filed an EEOC claim in Texas claiming that we discriminated
17 against him for the ADA -- based on the ADA because of a post-traumatic stress
18 disorder that he has related to his military service. And that related to a customer,
19 it's a division of Bennett Truck Transport that transports manufactured housing,
20 and the driver delivered a housing unit to a construction site where they're going to
21 set it on and apparently got stuck and messed up the people's septic tank and
22 drainage field. And a complaint was made to our customer, and we looked back on
23 if there were any previous incidents and there were where he had some incidents

1 and terminated him. And then as a result of that termination, we have a wrongful
2 termination claim that's pending.

3 **MR. HOLLEY:** Short of termination, what steps would be taken for -- for
4 example, like first time complaint against a driver by a customer?

5 **MR. BROOKER:** Well, it depends on the nature of it, but generally, you know,
6 he would be brought into the office. He'd deal with somebody, often times a
7 terminal manager or dispatcher first, and then depending on the severity with the
8 safety department. And then appropriate action would be taken similar to what I
9 just described with the fellow that had the manufactured housing delivery that
10 cursed out the customer, so.

11 **MR. HOLLEY:** And that would all, of course, depend upon particular
12 circumstances of each complaint, yes?

13 **MR. BROOKER:** Yes.

14 **MR. HOLLEY:** Has the applicant had any complaints from the general public
15 about its drivers?

16 **MR. BROOKER:** No. We do respond, you know. There's people that, you know,
17 claim that somebody was driving too fast or cut them off or something like that.
18 And we quickly respond to that and are able to do that. We have put a full court
19 press on ensuring that all our drivers, including owner-operators, have dashcams in
20 their trucks. And they all have ELDs. We have access through the ELD on the
21 operation of the truck, whether or not there's been any hard braking, acceleration,
22 things like that. So if we had a call from a customer along those lines, we would

1 look at the dashcam, we'd look at the ELD data, and then we'd address that driver
2 appropriately.

3 **MR. HOLLEY:** Has the applicant had any regulatory violations in other states
4 where the applicant conducts business?

5 **MR. BROOKER:** No.

6 **MR. HOLLEY:** Has the applicant had any federal regulatory violations?

7 **MR. BROOKER:** No.

8 **MR. HOLLEY:** You mentioned previously that operators, and indeed all drivers,
9 were required to have mandatory quarterly safety meetings. Where or how are
10 those safety meetings taking place? Is it by phone, in person? Could you describe
11 that?

12 **MR. BROOKER:** Well, the mandatory meetings are done in person. But we also
13 have set up where we have some virtual meetings. And that's, you know, there's
14 been an increase in attendance of that since the COVID period.

15 **MR. HOLLEY:** Could you describe in general detail what sort of topics are
16 discussed at these safety meetings?

17 **MR. BROOKER:** You know, it could be lane changes, you know, backing. We
18 try to pick some topics that -- where we've had some issues where there's been
19 some frequency in to cut down on that. It'd be done both with participation of the
20 drivers and other drivers. They seem to be pretty verbal, and they're asked to
21 contribute to that. And they're willing to contribute to promoting safety. It also
22 includes the review of tapes that we get from libraries from some third parties like
23 Infinit-I or I can't think of the name of the --

1 **MR. HOLLEY:** J. J. Keller.

2 **MR. BROOKER:** J. J. Keller.

3 **MR. HOLLEY:** Does the company employ a full-time safety manager?

4 **MR. BROOKER:** Yes, I mean, one of the things that we liked about American
5 Eagle, and we've hired each one of these people, is that they had nine safety people
6 that are designated for safety. And then we have a safety director who's designated
7 for each business unit. And then they all report up to the vice president of safety
8 who in turn used to report Marcia Taylor and as of last year started reporting to our
9 CFO.

10 **MR. HOLLEY:** And what is the name of the -- of Bennett Motor Express' head
11 safety manager?

12 **MR. BROOKER:** Is Keith Copeland.

13 **MR. HOLLEY:** And he is, of course, in-house not a third party?

14 **MR. BROOKER:** Yes. All the ones I've mentioned are in-house.

15 **MR. HOLLEY:** And does -- do these various safety managers conduct most or at
16 least some of the safety meetings conducted for drivers?

17 **MR. BROOKER:** Yes. They're either conduct it or they coordinate it with the
18 terminals to make sure that they have input in that and that the topics that they want
19 to be covered are being covered, so.

20 **MR. HOLLEY:** And previously you testified that Bennett Motor Express, L.L.C.
21 is a member of various safety networks. Do any of those that you mentioned give
22 ratings based upon certain safety performance indicators?

1 **MR. BROOKER:** No. I've never seen any ratings done by any of these
2 associations. We've received numerous awards -- safety awards from various
3 organizations, including the federal government or the Department of Defense, so.
4 **MR. HOLLEY:** Could you --
5 **MR. BROOKER:** But I don't know of any other agency or association that gives
6 ratings other than the FMCSA.
7 **MR. HOLLEY:** So in other words the company is not a member of such safety
8 networks as ISNetwork, BROWZ, Avetta, DISA?
9 **MR. BROOKER:** ISNetwork we are a member of because our customer base
10 requires that we comply -- do a filing with them, answer all their questions. We've
11 had -- Bennett Motor Express as a whole is not ISO certified, but we've done an
12 effort to certify certain terminals, such as our Houston terminal.
13 **MR. HOLLEY:** Would the company consider certifying its terminal in Louisiana
14 or at least looking into that prospect?
15 **MR. BROOKER:** Yes.
16 **MR. HOLLEY:** I just have a few more questions. If this application is granted,
17 does the applicant intend to comply with all the rules and regulations of the
18 Louisiana Public Service Commission?
19 **MR. BROOKER:** Yes.
20 **MR. HOLLEY:** Is the applicant aware of the Louisiana Public Service
21 Commission's requirement to maintain insurance on file at all times with the
22 Commission by the filing of a Form E?
23 **MR. BROOKER:** Yes.

1 **MR. HOLLEY:** Is the applicant aware that the applicant must file a Form E with
2 the Commission if it obtains another underwriter for its insurance policies?
3 **MR. BROOKER:** Yes.
4 **MR. HOLLEY:** Is the applicant aware of the Louisiana Public Service
5 Commission's requirement to seek and obtain prior approval to sell, transfer, lease,
6 merge, or encumber its certificate?
7 **MR. BROOKER:** Yes.
8 **MR. HOLLEY:** Is the applicant aware of the Louisiana Public Service
9 Commission's requirement that the company must apply for and receive prior
10 approval before any changes to the direct or indirect ownership of the company or
11 any changes or transfers of shares of stock or interest can take place?
12 **MR. BROOKER:** Yes.
13 **MR. HOLLEY:** Is the applicant aware of the Louisiana Public Service
14 Commission's requirement to keep all contact information up to date?
15 **MR. BROOKER:** Yes.
16 **MR. HOLLEY:** Is the applicant aware of the Louisiana Public Service
17 Commission's requirement to renew and register vehicles every year?
18 **MR. BROOKER:** Yes.
19 **MR. HOLLEY:** Is the applicant aware of the Louisiana Public Service
20 Commission's requirements to file annual reports?
21 **MR. BROOKER:** Yes.
22 **MR. HOLLEY:** Can you confirm that the applicant's reporting year is on a
23 calendar basis, that is to say from January 1st to December 31st?

1 **MR. BROOKER:** Yes, it is.

2 **MR. HOLLEY:** Is the applicant aware that the applicant is required to file
3 inspection and supervision fee reports?

4 **MR. BROOKER:** Yes.

5 **MR. HOLLEY:** Is the applicant aware that the applicant is required to pay
6 inspection and supervision fees based on jurisdictional revenue to the Louisiana
7 Department of Revenue?

8 **MR. BROOKER:** Yes.

9 **MR. HOLLEY:** Relatedly, the company is, as mentioned previously, is expected
10 to maintain records and to tract jurisdictional revenue based upon a certain code
11 charge. And I believe that's a Code 6; is that correct?

12 **MR. BROOKER:** Yes. I -- excuse me -- I got that information from Harold Vice
13 but I believe that's what he informed me the code was.

14 **MR. HOLLEY:** And again, who will be the applicant's point of contact for the
15 Louisiana Public Service Commission?

16 **MR. BROOKER:** For overall compliance, I would be, but as far as any day to day
17 issues, it would be Harold Vice and Madonna Golson.

18 **MR. HOLLEY:** Ultimately, though, it would be you, Mr. Brooker, correct?

19 **MR. BROOKER:** Yes.

20 **MR. HOLLEY:** Staff tenders the witness, Your Honor.

21 **JUDGE VERZWYVELT:** All right. I just have a few clarifying questions. One,
22 you are employed by Bennett International Group; is that right?

23 **MR. BROOKER:** Yes.

1 **JUDGE VERZWYVELT:** Okay. And you talked about one of the managers,
2 written on here it says Marcia Taylor.

3 **MR. BROOKER:** Yes.

4 **JUDGE VERZWYVELT:** Is that -- that's the correct spelling, M-A-R-C-I-A?

5 **MR. BROOKER:** Yes. They pronounce it Marci, so.

6 **JUDGE VERZWYVELT:** Okay.

7 **MR. BROOKER:** I --

8 **JUDGE VERZWYVELT:** That's what I was wanting to make sure.

9 **MR. BROOKER:** -- use that pronunciation, so.

10 **JUDGE VERZWYVELT:** Okay. I had a couple more. I was a little -- I didn't
11 really follow the -- so on the application's equipment list, it appears that that entire
12 list is owner-operators or --

13 **MR. BROOKER:** Yes, they are.

14 **JUDGE VERZWYVELT:** Okay. Do you -- does the company, Bennett Motor
15 Express, actually own its own trucks and trailers?

16 **MR. BROOKER:** We have not inside this unit that will be operating under this
17 permit, but in other divisions of Bennett Motor Express we do own some trucks and
18 trailers. And I use that loosely. We have a holding company for our trailer assets
19 which is called Pro Lease where we have -- that owns all our trailers and leases
20 them to the operating companies. And then we're in the process of moving our
21 truck assets into a company called Capital Truck Leasing. And then some of those
22 trucks we will lease back to owner-operators that don't have sufficient financing to

1 go out and get regular leasing and do a lease with an option to purchase to owner-
2 operators.

3 **JUDGE VERZWYVELT:** Okay. Will Bennett Motor Express hire its own
4 drivers under this certificate, if granted?

5 **MR. BROOKER:** No. They haven't as of yet. It's been exclusively owner-
6 operator. Up until about 10 years ago, we only had a handful, no more than five
7 company drivers. And just with the acquisition of some operations, we've acquired
8 some trucks and that's built up to, as I said earlier, probably about a hundred -- it's
9 200 at this time.

10 **JUDGE VERZWYVELT:** Okay. And if this certificate is granted, does the
11 company intend to continue utilizing owner-operators?

12 **MR. BROOKER:** Yes, we do.

13 **JUDGE VERZWYVELT:** Okay. So I guess that leads me to a question about
14 the insurance. Those owner-operators are not covered under your insurance policy?

15 **MR. BROOKER:** Oh, yes, they are.

16 **JUDGE VERZWYVELT:** They are. Okay.

17 **MR. BROOKER:** That's what I was saying earlier that the symbol that's used in
18 the policy is 61, so it's any vehicle, whether its leased or owned, if it's operating
19 under our motor carrier authority, then it's covered by our policy.

20 **JUDGE VERZWYVELT:** Okay. And that is an unlimited number of owner-
21 operators or that's --

22 **MR. BROOKER:** Yes, ma'am. Unlimited. It's not a scheduled policy where
23 you'd list the vehicles.

1 **JUDGE VERZWYVELT:** Okay. What is the -- you have a passenger certificate.
2 What is that used for?

3 **MR. BROOKER:** We just obtained that in September in connection with the
4 acquisition of the AEL operations, and it's used primarily for the transport of -- I'm
5 not used to using the term, but roughnecks to the ports and the helicopter ports that
6 would go offshore for offshore rigging.

7 **JUDGE VERZWYVELT:** Okay. I wanted to get one -- I had one clarifying
8 question. This might be better for your attorney, but on the confidentiality. And
9 we had talked about we would redact all of the numbers associated or the dollar
10 figures associated with the income and the financials. But the debt to equity ratio,
11 that doesn't need to be redacted, does it?

12 **MR. ODOM:** Your Honor, out of an abundance of caution, I would request that
13 the debt to equity ratio be redacted if possible, if it pleases the tribunal.

14 **JUDGE VERZWYVELT:** Okay. All right. Then I don't have anymore questions
15 for you. Did you have anymore -- any follow-up, Mr. Odom?

16 **REDIRECT EXAMINATION BY MR. HUNTER ODOM**

17 **MR. ODOM:** Your Honor, just a few follow up, clarifying questions. Mr.
18 Brooker, just related to Staff's question regarding the registered agent, if you could
19 just please see Exhibit A. If you could turn to Page 4 of Exhibit A. If you could
20 please tell me under the Section 6, does that state who the agent for service of
21 process would be for the state of Louisiana?

22 **MR. BROOKER:** Yes, it's CSC, Corporation Service Company.

23 **MR. ODOM:** Okay. And is that current as of today?

1 **MR. BROOKER:** Yes.

2 **MR. ODOM:** Okay. Thank you, Mr. Brooker. And then also with regard to the
3 workers' compensation claims, it's true that Bennett Motor Express has
4 approximately 180 employees, correct?

5 **MR. BROOKER:** Yes.

6 **MR. ODOM:** Okay. As far as you know, is three to four workers' compensation
7 claims, is that pretty standard in the industry as far as, you know, for a company
8 the size of Bennett Motor Express?

9 **MR. BROOKER:** Yes, that's a relatively low number.

10 **MR. ODOM:** Okay. All right. All right. Thank you, Mr. Brooker. No further
11 questions, Your Honor.

12 **JUDGE VERZWYVELT:** All right. You may step down.

13 **MR. BROOKER:** All right. Thank you. You want me to leave this here?

14 **MR. ODOM:** Yes, please.

15 **JUDGE VERZWYVELT:** Do you still have another witness, Mr. Odom?

16 **MR. ODOM:** I do, Your Honor.

17 **JUDGE VERZWYVELT:** All right.

18 **MR. ODOM:** Just briefly with regard to equipment, the applicant calls Mr. Harold
19 Vice to the stand.

20 **Harold Vice, Jr. came forth as a witness; and, after having been duly sworn,**
21 **testified as follows:**

22 **DIRECT EXAMINATION BY MR. HUNTER ODOM**

23 **MR. ODOM:** Good almost afternoon, Mr. Vice.

1 **MR. HAROLD VICE:** It's okay.

2 **MR. ODOM:** All right. Thank you for being here. If you could please just state
3 your full name for the record.

4 **MR. VICE:** Harold Paul Vice, Jr.

5 **MR. ODOM:** Okay. Thank you, Mr. Vice. And please just provide a brief
6 summary of your individual experience in the trucking industry.

7 **MR. VICE:** I started in the trucking industry when I was college. In 1993, I started
8 out driving pickup trucks and graduated to the larger trucks pulling trailers and
9 equipment, moved into dispatch and several management positions up unto vice
10 president. In 2011, we opened American Eagle Logistics, and I was a managing
11 partner there. And this past September became the vice president of American
12 Eagle Logistics Division for Bennett Motor Express.

13 **MR. ODOM:** Okay. Thank you, Mr. Vice. So you currently work at Bennett
14 Motor Express, correct?

15 **MR. VICE:** Correct.

16 **MR. ODOM:** Thank you. All right. I just would like to briefly discuss the
17 equipment. How many trucks and other equipment does Bennett Motor Express
18 have available for Commission regulated operations at this time?

19 **MR. VICE:** Currently I'd say in the 50s, probably 54, 55.

20 **MR. ODOM:** Okay. And as we've discussed previously, these are strictly owner-
21 operator trucks, correct?

22 **MR. VICE:** One hundred percent. Correct.

1 **MR. ODOM:** And does BME ensure that these vehicles have all -- does Bennett
2 Motor Express ensure that all these vehicles have all necessary safety equipment?
3 **MR. VICE:** Yes.
4 **MR. ODOM:** And does Bennett Motor Express have the financial ability to
5 purchase more equipment should it be necessary?
6 **MR. VICE:** Yes.
7 **MR. ODOM:** And do you believe that Bennett Motor Express will operate waste
8 hauling equipment in a safe and efficient manner?
9 **MR. VICE:** Yes.
10 **MR. ODOM:** Okay. And does Bennett Motor Express have any set maintenance
11 program or routine for this equipment?
12 **MR. VICE:** Yes.
13 **MR. ODOM:** Okay. And could you please give a brief overview of that
14 maintenance program for this equipment?
15 **MR. VICE:** Well, they're all independently owned operators, so they're all
16 responsible for their own maintenance programs, their own maintenance to the
17 equipment that's leased to the company. You know, our program is they turn in
18 monthly reports to us. Any repairs, tire changes, wiper blades, I mean, down to,
19 you know, something as simple as a wiper blade or replacing boards on their trailers
20 or something like that but it's recorded monthly and turned in to us.
21 **MR. ODOM:** Okay. Thank you. And are these vehicles of Bennett Motor Express
22 that are subject to the owner-operator leases, are they subject to pre-trip and post-
23 trip inspections?

1 **MR. VICE:** Yes, they are.

2 **MR. ODOM:** Okay. And does the company -- does Bennett Motor Express
3 conduct pre-lease inspections?

4 **MR. VICE:** We do. Our safety coordinators, as Mr. Brooker acknowledged that
5 we had about nine safety coordinators, so part of their job is to do a pre-lease
6 inspection. It's not only to look at what DOT is looking for, but we have customer
7 requirements, too. We need to make sure that they can haul for customers.

8 **MR. ODOM:** Okay. Thank you, Mr. Vice. And does the company -- does Bennett
9 Motor Express conduct annual DOT inspections?

10 **MR. VICE:** Well, Bennett Motor Express doesn't conduct them. We require them.

11 **MR. ODOM:** You require them. Okay.

12 **MR. VICE:** Correct. Yeah. Require.

13 **MR. ODOM:** Thank you. And does Bennett Motor Express require 90-day
14 inspections?

15 **MR. VICE:** Yes, we do.

16 **MR. ODOM:** Okay. And does Bennett Motor Express, I think as we've previously
17 testified, it does maintain employees dedicated to maintenance, correct?

18 **MR. VICE:** Correct.

19 **MR. ODOM:** All right. Thank you, Mr. Vice. And just for clarity sake, if you
20 could briefly describe the bookkeeping methodology of Bennett Motor Express and
21 how it intends to utilize this bookkeeping method to track Commission regulated
22 revenue if this authority is granted.

1 **MR. VICE:** Well, as mentioned in an earlier question, there's a -- we call them
2 commodity codes within our TMS system, our Transportation Management
3 System. So any hazardous waste and non-hazardous waste that we'll be hauling, it
4 will be coded to 06 is what I think it is. So therefore, I can run a monthly report, I
5 can run a weekly report, I can run bi-annual, annual just on that commodity code.
6 I know exactly how many loads we did. I know exactly how much we charged the
7 customers.

8 **MR. ODOM:** Okay. Thank you, Mr. Vice. And about how -- I believe we briefly
9 discussed this as well, but how many drivers does Bennett Motor Express plan to
10 utilize for regulated activity in Louisiana?

11 **MR. VICE:** Currently, in the mid 50s, 54, 55.

12 **MR. ODOM:** Okay. And all these drivers, Bennett Motor Express ensures they
13 have everything they need in order to operate under Commission authority, correct?

14 **MR. VICE:** Correct.

15 **MR. ODOM:** Okay. And do you anticipate having to hire additional drivers?

16 **MR. VICE:** I hope so. If business picks up, yes, I do.

17 **MR. ODOM:** And do you anticipate having to hire additional employees if the
18 authority you're seeking is granted?

19 **MR. VICE:** I would say so, yes.

20 **MR. ODOM:** Okay. And do you believe that Bennett Motor Express is prepared
21 to begin immediately safe and efficient operations if this certificate is granted?

22 **MR. VICE:** Yes.

1 **MR. ODOM:** Okay. Is there any other information you believe is pertinent to
2 establishing that Bennett Motor Express has the fitness to operate?

3 **MR. VICE:** No.

4 **MR. ODOM:** Okay. All right. That's it. Thank you. No further questions, Your
5 Honor.

6 **JUDGE VERZWYVELT:** Thank you. Mr. Holley.

7 **CROSS-EXAMINATION BY MR. BARLOW HOLLEY**

8 **MR. HOLLEY:** Just a few questions, Mr. Vice. What are the general types of
9 trucks that the applicant currently uses? Are they open trailers or flatbeds and step
10 decks?

11 **MR. VICE:** Correct. Both, step decks and flatbeds and goosenecks.

12 **MR. HOLLEY:** And are the vehicle identification numbers and descriptions of
13 the applicant's trucks as listed in the application, now as admitted into evidence as
14 Exhibit A, complete and correct at least as of the time of submission with the
15 application?

16 **MR. VICE:** Correct. Yes.

17 **MR. HOLLEY:** And as previously testified, the applicant uses its trucks for other
18 nonregulated, non waste-hauling activities; is that correct?

19 **MR. VICE:** Correct.

20 **MR. HOLLEY:** And those would include the hauling of radioactive waste
21 material, explosives, armed ammunition, passengers, super heavy hauling, general
22 freight, over-dimensional freight, and other forms of unregulated hauling?

23 **MR. VICE:** That's correct.

1 **MR. HOLLEY:** Okay. Approximately how many trailers does the applicant
2 currently use?

3 **MR. VICE:** You know I -- I'm ballparking, but I would say close to 500 overall -
4 - well, the American Eagle Logistics Division.

5 **MR. HOLLEY:** Okay. Approximately 500.

6 **MR. VICE:** Right.

7 **MR. HOLLEY:** And as previously testified to, there would be approximately 54,
8 55 trucks to be used for regulated hauling in Louisiana, correct?

9 **MR. VICE:** Correct.

10 **MR. HOLLEY:** As previously testified, the company intends to use owner-
11 operators under lease for the running of its business. You do understand that future
12 leases must be filed with the Louisiana Public Service Commission?

13 **MR. VICE:** Yes.

14 **MR. HOLLEY:** As you mentioned before, the company documents equipment
15 maintenance and vehicle maintenance on a monthly basis but also on a 90-day
16 maintenance log; is that correct?

17 **MR. VICE:** Well, FMCSA requires us to do maintenance logs. We chose to go a
18 monthly route as opposed to a quarterly route.

19 **MR. HOLLEY:** Okay.

20 **MR. VICE:** It's hard enough to get the drivers to turn them in monthly much less
21 quarterly so we just mandated monthly.

22 **MR. HOLLEY:** And that is in addition to the required Department of
23 Transportation annual inspection, correct?

1 **MR. VICE:** Yes, correct.

2 **MR. HOLLEY:** Does the company have any preferred maintenance provider or
3 does it let the owner-operators pick and choose whom they wish to use for
4 maintenance?

5 **MR. VICE:** We allow the owner-operators to use whomever they feel comfortable
6 using.

7 **MR. HOLLEY:** Okay. Are all of Bennett Motor Express, L.L.C.'s vehicles and
8 equipment in good working order?

9 **MR. VICE:** Yes.

10 **MR. HOLLEY:** Do the company's trucks have functioning global positioning
11 systems or GPSes?

12 **MR. VICE:** So all trucks leased to American Eagle Logistics Division are
13 equipped with GPS, yes.

14 **MR. HOLLEY:** Okay. If a vehicle did not have a GPS, would Bennett Motor
15 Express, L.L.C. ask or require that it be installed prior to operation?

16 **MR. VICE:** Yes, it's a must. It's -- to lease on to Bennett Motor -- to American
17 Eagle Logistics Division of Bennett Motor Express, you don't have a choice. You
18 have to have a GPS unit and a dashcam.

19 **MR. HOLLEY:** And as you just mentioned, the company's trucks do have
20 working dashcams?

21 **MR. VICE:** Yes.

22 **MR. HOLLEY:** Are the company's trucks governed to a certain speed?

23 **MR. VICE:** No.

1 **MR. HOLLEY:** Would the company consider governing its trucks in the future?

2 **MR. VICE:** On company trucks?

3 **MR. HOLLEY:** Yes. Or requesting that its owner-operators govern their own

4 trucks I suppose.

5 **MR. VICE:** We could surely request the owner-operators to do it. I would assume

6 we would entertain governing company trucks.

7 **MR. HOLLEY:** No further questions, Your Honor. Staff tenders the witness.

8 **JUDGE VERZWYVELT:** All right. I don't have any questions for you. Did you

9 have any follow-up, Mr. Odom?

10 **MR. ODOM:** No, Your Honor.

11 **JUDGE VERZWYVELT:** You can step down. Thank you. Did you have

12 anything further, Mr. Odom?

13 **MR. ODOM:** No, Your Honor.

14 **JUDGE VERZWYVELT:** All right. Then we'll hear from Staff.

15 **MR. HOLLEY:** Your Honor, as stated in Staff's pre-hearing statement, Staff does

16 support this application and this matter is uncontested. There are currently no

17 proceedings before the Commission involving any complaints or citations or

18 violations against the applicant. And Staff is in support of this application.

19 **JUDGE VERZWYVELT:** All right. Then if there is nothing further, we'll be

20 adjourned.

21

22 **(WHEREUPON, THE HEARING WAS ADJOURNED)**

23

1 I hereby certify that the foregoing pages 1 through 64 are true and correct to the best
2 of my knowledge of the Hearing held on January 12, 2021 in Baton Rouge, Louisiana.
3

4 **Rough Draft by:**

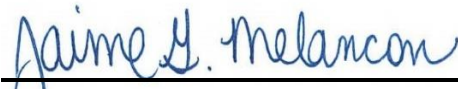
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6 **Kathy Dykes,**
7 **Court Reporter**

January 15, 2021

Date

8 **Proofed by:**

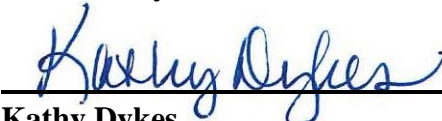
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10 **Jaime G. Melancon,**
11 **Court Reporter**

January 19, 2021

Date

12 **Finalized by:**

13 

14 **Kathy Dykes,**
15 **Court Reporter**

January 19, 2021

Date