

LOUISIANA PUBLIC SERVICE COMMISSION

ORDER NO. T-33424

LOUISIANA PUBLIC SERVICE COMMISSION VERSUS TRIPLE F OILFIELD SERVICE, LLC (SHELBYVILLE, TX)

In Re: Alleged violation of La. R.S. 45:161 through 180.1, by operating intrastate without LPSC authority on 90 counts; allegedly occurring on or about August 1, 2014 through September 22, 2014.

(Decided at the February 26, 2015 Business and Executive Meeting)

Background

Triple F Oilfield Service, LLC (“Triple F”) is a Texas oilfield waste hauler without a Louisiana Public Service Commission (“LPSC” or “Commission”) common carrier certificate. Triple F had applied for a common carrier certificate in 2009 but withdrew the application. In September 2014, Triple F was hauling waste in Bossier Parish when its overloaded truck blew out tires resulting in a spill of drilling mud. As part of an investigation, Staff reviewed waste shipping manifests from the R360 Environmental Solutions disposal facility in Elm Grove, Louisiana that were provided by the Office of Conservation. The shipping manifests indicated that Triple F had operated in Louisiana without LPSC authority on 90 counts. Staff issued a citation for the 90 counts.

Jurisdiction

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

The commission shall regulate all common carriers and public utilities and have such other regulatory authority as provided by law. It shall adopt and enforce reasonable rules, regulations and procedures necessary for the discharge of its duties, and shall have other powers and perform other duties as provided by law.

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

Staff Recommendation

In response to the citation, Triple F executed an affidavit admitting to operating without LPSC authority on 90 counts and agreed to the imposition of a \$50,000 fine with \$10,000 suspended contingent on Triple F:

- 1) not committing any additional violations for a period of one year from the date of the executed affidavit, and
- 2) submitting an application for a common carrier certificate no later than February 20, 2015.

Triple F also agreed to the following payment schedule:

February 6, 2015 - \$13,359 + \$25 citation fee
March 6, 2015 - \$13,333
April 6, 2015 - \$13,333.

Staff recommended that the Commission approve the Affidavit and Stipulation signed by the carrier.

Commission Action

On motion of Commissioner Skrmetta, seconded by Commissioner Campbell, with Commissioner Holloway and Commissioner Boissiere concurring and Commissioner Angelle temporarily absent, the Commission voted to assert its original and primary jurisdiction and take this matter up pursuant to Rule 57.

On motion of Commissioner Skrmetta, seconded by Commissioner Campbell, and unanimously adopted, the Commission voted to approve the Affidavit and Stipulation signed by the carrier.

IT IS THEREFORE ORDERED:

The Affidavit and Stipulation is accepted. Accordingly, all conditions of the Affidavit and Stipulation are hereby given effect.

This order is effective immediately.

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

March 9, 2015

/S/ CLYDE C. HOLLOWAY

DISTRICT IV
CHAIRMAN CLYDE C. HOLLOWAY

S/ SCOTT A. ANGELLE

DISTRICT II
VICE CHAIRMAN SCOTT A. ANGELLE

/S/ FOSTER L. CAMPBELL

DISTRICT V
COMMISSIONER FOSTER L. CAMPBELL

/S/ LAMBERT C. BOISSIERE

DISTRICT III
COMMISSIONER LAMBERT C. BOISSIERE, III



EVE KAHAO GONZALEZ
SECRETARY

/S/ ERIC F. SKRMETTA

DISTRICT I
COMMISSIONER ERIC F. SKRMETTA