

LOUISIANA PUBLIC SERVICE COMMISSION

TMS ENVIRONMENTAL, LLC
EX PARTE

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DOCKET NO. T-35785

In re: Application for a Common Carrier Certificate of non-hazardous oilfield waste, non-hazardous industrial solid waste and hazardous waste for disposal, statewide.

TMS ENVIRONMENTAL, LLC'S RESPONSE
TO LPSC STAFF'S SECOND SET OF DATA REQUESTS

TO: **Theron Levi** (Bar Roll No. 37772)
Staff Attorney
Louisiana Public Service Commission
P.O. Box 91154
Baton Rouge, Louisiana 70821-9154
(225) 342-4407
theron.levi2@la.gov

cc: Tammy Burl, Transportation Administrator
Via e-mail: Tammy.Burl@la.gov

DATA REQUESTS

Request No. 1.1

In response to Staff Request No. 3 of the *LPSC Staff's First Set of Data Requests to TMS Environmental, LLC*, TMS identified Kent & Smith Holdings, LLC d.b.a. Kent Energy, Environmental & Material Services ("Kent") as the entity which TMS seeks to acquire. Please provide the information below regarding such acquisition:

- a. Please provide a projected timeframe for the negotiations to acquire the assets of Kent.
- b. Will existing customer accounts and/or customer lists for both LPSC-regulated and unregulated services be included as a component of the acquired assets?
- c. Will TMS employ any current Kent employees? If so, will TMS agree to supply LPSC Staff with a list of employees that will perform billing, dispatching and maintenance?
- d. Have TMS and Kent entered into a purchase agreement identifying the assets to be acquired? If so, please provide a copy of such agreement.

TMS Response:

- a. The negotiations to acquire Kent are scheduled to be completed prior to January 31, 2021.***
- b. Customer accounts and lists will be a component of the acquired assets.***
- c. Billing- Maranda Coston, Vicki Bader, Sarah Grover. Dispatching- Kevin Toussaint, Betsy Lemoine, Beth Pizzalato, David Myers. Maintenance- Brian Cline, Cory Lemoine, Cory Dufrene, Craig Ringo, Mike Drosey, Roy Bello, Blaine Kiff, Josh Kinchen, Billy Hanks.***
- d. Yes. We will provide a copy of the asset purchase agreement when it is signed by both parties.***

Request No. 2

In response to Staff Request No. 4, TMS answered that TMS International “will provide necessary additional financing through equity contributions or short term inter-group cash advances.” Please provide the most current two (2) years of Balance Sheets and Income Statements for TMS International or a letter outlining the funding structure, signed by an officer of the company.

TMS Response: Please see the attached Financial Statements For the Year Ended December 31, 2019. These statements contain information for both 2018 and 2019.

Request No. 3

Please identify the company to whom TMS will outsource “heavy repairs”, as described in the response to Staff Data Request 1-9.

TMS Response: Kenworth of Louisiana, 1302 Bridgeview Dr., Port Allen, LA 70767.

Request No. 4

TMS provided Kent’s training and safety manuals and company policies in response to a number of Staff’s Data Requests. Please confirm that TMS will update and issue all policies, training and safety manuals provided in response to Staff’s Data Requests in TMS Environmental, LLC’s name, prior to issuance of a Common Carrier Certificate and provide Staff with a complete copy of all written materials.

TMS Response: TMS as part of the sale process has reviewed and worked closely with Kent to update all policies and training and Health & Safety manuals and has used outside resources to assist in updating these policies including WMC Consultants, and Tierce ESH. TMS will continue to keep policies up to date with industry best practices.

Request No. 5

In its response to Staff Request No. 24, TMS provided access to its existing written Health and Safety program prepared by TMS International. Will these documents be combined with the other manuals referenced in TMS responses or will this manual remain a separate document?

TMS Response: TMS will supplement this response with a Health and Safety Manual in the name of TMS Environmental, LLC.

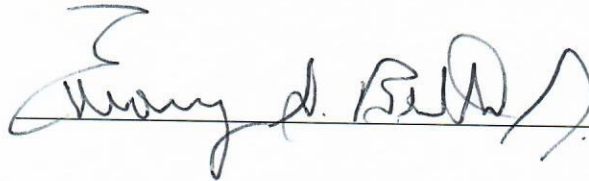
Request No. 6

In response to Staff Request No. 26, TMS provided permits, licenses and authorizations granted to Kent. Please confirm that TMS will acquire such permits, licenses, and authorizations of its own or alternatively, follow the proper procedures for transferring the permits to TMS Environmental.

TMS Response: TMS is pursuing the proper process for transfer of all of Kent's permits to itself and for those that are unable to be transferred, TMS is in the process of acquiring its own.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been served upon Theron Levi via facsimile, electronic mail or United States mail, properly addressed and postage prepaid, on this 23 day of December, 2020.

Handwritten signature of Tracy D. Bell in cursive script, written over a horizontal line.