

LOUISIANA PUBLIC SERVICE COMMISSION

ORDER NO. T-32433

LOUISIANA PUBLIC SERVICE COMMISSION V. HECKMANN WATER RESOURCES
(CVR), INC. (CARTHAGE, TEXAS)

Docket Number T-32433 – Alleged violation of Louisiana Revised Statutes Title 45:161 through 180.1 as amended, by operating Intrastate without LPSC authority on six counts; allegedly occurring on or about September 24, 2011 through September 30, 2011.

(Decided at the September 12, 2012 Business and Executive Meeting)

Background

On July 12, 2012, the Louisiana Public Service Commission (“Commission”) issued a citation to Heckmann Water Resources (CVR), Inc. (“Heckmann”), directing the Carrier to show cause at a hearing to be held on September 6, 2012, why it should not be found guilty of violating Louisiana Revised Statutes Title 45:161 through 180.1 as amended, by operating intrastate without LPSC authority on six (6) counts, allegedly occurring on or about September 24, 2011 through September 30, 2011. Notice of this proceeding was published in the Commission’s Official Bulletin dated July 20, 2012.

On November 30, 2010, Heckmann purchased Complete Vacuum and Rental, Inc. (“Complete”) without Commission approval. Per Commission records, Complete is the owner of Common Carrier Certificate No. 7438. Therefore, subsequent to the unapproved acquisition, Heckmann was cited for operating intrastate without authority on six (6) occasions beginning on or about September 24, 2011 through September 30, 2011.

By stipulation and agreement dated August 23, 2012, the Carrier agreed to plead guilty to the alleged violations, waived its right to a hearing and agreed to pay a fine of \$2,000.00, per count, with \$1000.00 per count being suspended, conditioned on Heckmann not committing any additional violations within the following twelve (12) months from the date of the Stipulated Agreement. The unsuspended portion of the fine and the citation fee, for a total of \$6,025.00 has been remitted to the Commission.

The Carrier agreed that it had violated Louisiana Revised Statutes Title 45:161 through 180.1 as amended, by operating without authority on six (6) counts. The Carrier is a first offender and the plea agreement and fine are consistent with other recent pleas and fines approved by the Commission. The fine and citation fee has been paid by the Carrier in anticipation of the stipulation and plea being approved by the Commission.

Staff Recommendation

That the Commission exercise its original and primary jurisdiction herein under Rule 57 and accept the agreement between Staff and the Carrier, dated August 23, 2012, wherein the Carrier agreed to plead guilty and agreed to pay a fine of \$2,000.00, per count, with \$1000.00 per count being suspended, Heckmann not committing any additional violations within the following twelve (12) months from the date of the Stipulation and Agreement, and agreed that the unsuspended portion of the fine and the citation fee, for a total of \$6,025.00, would be remitted to the Commission.

Commission Action

The Commission considered the matter at the September 12, 2012, Business and Executive Session. On motion of Commissioner Field, seconded by Commissioner Campbell, and unanimously adopted, the Commission voted to exercise its original and primary jurisdiction pursuant to Rule 57.

On motion of Commissioner Field, seconded by Commissioner Campbell, and unanimously adopted, the Commission voted to accept the Staff Recommendation and adopt the agreement between Staff and the Carrier, dated August 23, 2012, wherein the Carrier agreed, 1) To plead guilty and agreed to pay a fine of \$2,000.00, per count, with \$1000.00 per count being suspended, 2) That Heckmann would not commit any additional violations within the following twelve (12) months from the date of the Stipulation and Agreement, and 3) That the unsuspended portion of the fine and the citation fee, for a total of \$6,025.00, would be remitted to the Commission.

IT IS THEREFORE ORDERED:

That the Guilty Plea entered into by Heckmann Water Resources (CVR), Inc., to the allegations that it had violated Louisiana Revised Statutes Title 45:161 through 180.1, as amended, by operating intrastate without LPSC authority on six (6) counts, allegedly occurring on or about September 24, 2011 through September 30, 2011, be and is hereby accepted and that a fine of \$2,000.00 per count with \$1,000.00 per count being suspended is hereby imposed, the suspended portion of the fine being conditioned on not committing any additional violations within twelve (12) months of the date of the Stipulation and Agreement. The Carrier is further

ordered to pay a citation fee of \$25.00, the unsuspended portion of the fine and citation fee, totaling \$6,025.00, is to be paid in full within fifteen (15) days of the issuance of this Order.

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

October 2, 2012

/S/ FOSTER L. CAMPBELL

DISTRICT V
CHAIRMAN FOSTER L. CAMPBELL

/S/ JAMES M. FIELD

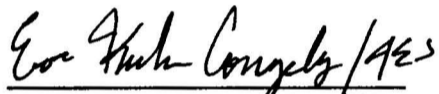
DISTRICT II
VICE CHAIRMAN JAMES M. FIELD

/S/ ERIC F. SKRMETTA

DISTRICT I
COMMISSIONER ERIC F. SKRMETTA

/S/ LAMBERT C. BOISSIERE

DISTRICT III
COMMISSIONER LAMBERT C. BOISSIERE, III



EVE KAHAO GONZALEZ
SECRETARY

/S/ CLYDE C. HOLLOWAY

DISTRICT IV
COMMISSIONER CLYDE C. HOLLOWAY