

LOUISIANA PUBLIC SERVICE COMMISSION

ORDER NO. T-35463 (Corrected)¹

LOUISIANA PUBLIC SERVICE COMMISSION

VS.

HAZ-MAT SERVICES, INC. (TEXARKANA, ARKANSAS)

Docket No. T-35463, In re: Alleged violation of La. R.S. 45:161 through 180.1 and General Order 9901 as amended for failure to comply with leasing rules on fifty-four (54) counts while operating under Common Carrier Certificate 8015-A; allegedly occurring on or about September 01, 2018 through September 30, 2018.

(Decided at the Commission's Business and Executive Session held May 27, 2020.)

I. BACKGROUND

The Louisiana Public Service Commission ("LPSC" or "Commission") Staff ("Staff") issued a citation to Haz-Mat Services, Inc. ("Haz-Mat") for violating La. R.S. 45:161 through 180.1, by failing to comply with LPSC leasing rules on fifty-four (54) counts while operating under Common Carrier Certificate 8015-A, occurring on or about September 1, 2018 through September 30, 2018. Notice of this proceeding was published in the Commission's Official Bulletin dated January 24, 2020, for a 25-day intervention period, which elapsed without intervention.

II. JURISDICTION

The Commission exercises jurisdiction in this proceeding pursuant to Article IV, Section 21 of the Louisiana of the Louisiana Constitution of 1974, which provides in pertinent part:

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.

In addition, the Louisiana Legislature, in La. R.S. 45:163, delegates certain authority to the Commission over motor carriers operating intrastate in Louisiana. More specifically, the Louisiana Legislature has declared, in La. R.S. 45:180.1, that the "use and operation of wreckers and towing services should be the subject of regulation by the Louisiana Public Service Commission," and that the Commission has "the power and authority necessary to supervise, govern, regulate, and control the business of the operation and use of wreckers and towing services...[and] to fix reasonable and just rates, fares, tolls, charges for storage services[.]"

Pursuant to these delegations of authority, the Commission issued the General Order dated September 7, 1972 ("General Order 9901") which requires the registration of a motor carrier's operating authority with the LPSC.

III. STIPULATION

In response to the citation, Mr. Michael White, President of Haz-Mat, signed an Affidavit and Stipulation admitting to the violation and agreeing to a fine of \$200.00 per count, with \$50.00 of the fine per count suspended, conditioned on the following:

- Haz-Mat not being found guilty of, entering a plea of guilty to, or entering a plea of no contest to violating any of the rules and regulations of the Commission for a period of one year from the date of the executed stipulated agreement;
- Haz-Mat shall execute, file and abide by all leases with owner-operators and ensure that all leased vehicles are clearly identified as being operated by Haz-Mat while providing intrastate waste hauling services;

¹ This Order is reissued to indicate the correct caption for this proceeding. No other changes were made.

- Haz-Mat shall procure and maintain all public liability, property damage and cargo insurances for waste transported as well as retain all liability to the public for operation of leased vehicles and liability as a carrier for transported waste, subject to the exceptions provided in General Order 9901, as amended; and,
- Haz-Mat shall implement changes to its corporate training policy which provide that all employees will receive an orientation of LPSC-related statutes, rules, and orders upon employment, and thereafter on an annual basis.

In addition to the fine of \$200.00 per count with \$50.00 per count suspended, Haz Mat agreed to remit to the Commission a \$25.00 citation fee, for a total fine of \$8,125.00 to be paid by certified funds. The Company also agreed that failure to timely remit the aforementioned payments, and failure to comply with any of the requirements of the Affidavit and Stipulation, will result in the \$50.00 suspended fine per count becoming due immediately.

IV. COMMISSION ACTION

This matter was considered at the Commission's May 27, 2020, Business and Executive Session. On motion of Chairman Francis, seconded by Commissioner Skrmetta, and unanimously adopted, the Commission voted to exercise its original and primary jurisdiction and take the matter up pursuant to Rule 57.

On motion of Chairman Francis, seconded by Commissioner Campbell, and unanimously adopted, the Commission voted to approve the Affidavit and Stipulation executed on February 12, 2020, for fines and fees totaling \$8,125.00.

IT IS THEREFORE ORDERED:

1. The Affidavit and Stipulation executed on February 12, 2020 for fines and fees totaling \$8,125.00 is approved; and
2. This Order is effective immediately.

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

June 25, 2020



**DISTRICT IV
CHAIRMAN MIKE FRANCIS**



**DISTRICT II
VICE CHAIRMAN CRAIG GREENE**



**DISTRICT V
COMMISSIONER FOSTER L. CAMPBELL**



**DISTRICT III
COMMISSIONER LAMBERT C. BOISSIERE III**



**BRANDON M. FREY
SECRETARY**



**DISTRICT I
COMMISSIONER ERIC F. SKRMETTA**