

LOUISIANA PUBLIC SERVICE COMMISSION

ORDER NO. T-34238

LPSC V. LO-VAC, LLC (LOTTIE, LA)

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*Docket No. T-34238 In re: Alleged violation of La. R.S. 45:161 through 180.1, by operating beyond the scope of authority granted in LPSC 5536-E on three hundred thirty-three (333) counts; allegedly occurring on or about May 1, 2016 through June 10, 2016.*

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(Decided at the Commission's Business and Executive Session held December 21, 2016.)

**Background & Summary of Violation**

On September 15, 2016, Louisiana Public Service Commission ("LPSC" or "Commission") Staff issued a citation to Lo-Vac, LLC (Lottie, LA) ("Lo-Vac") for operating beyond the scope of authority on three hundred and thirty-three (333) counts. Lo-Vac holds a Commission common carrier certificate (certificate 5536-E) authorizing the transportation of waste, but with restrictions. The restriction at issue here pertains to transporting waste in vacuum tank truck equipment and dump truck equipment. Lo-Vac is restricted to, from and between all points and places in the parishes of West Feliciana, East Baton Rouge, Ascension, St. John the Baptist, St. Charles, St. James, Assumption, Iberville, West Baton Rouge, Pointe Coupee, Livingston, Terrebonne, Lafourche, Orleans, Plaquemine, St. Martin, Iberia, Vermillion, Acadia, and St. Landry.

As part of an LPSC Transportation Division manifest audit, in conjunction with the Office of Conservation, UIC-28 manifests were received and reviewed from the Republic Services facility in Webster Parish. Upon review of the documentation, Staff discovered three-hundred and thirty-three (333) loads of waste regulated by the LPSC that were hauled by Lo-Vac from Chevron USA in Caddo Parish. Lo-Vac's authority under Commission certificate 5536-E does not permit transportation to, from or within Caddo Parish. As a result, a Citation was issued. This is Lo-Vac's first offense.

**Jurisdiction**

The Commission exercises jurisdiction over public utilities 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.

Louisiana Revised Statute 45:164(A) prohibits common carriers from operating without a certificate from the Commission.

Except as provided by Subsection C of this Section, no motor carrier, ... shall operate as a common carrier without first having obtained from the commission a certificate of public convenience and necessity...

**Stipulation**

In response to the citation, Lo-Vac signed an Affidavit and Stipulation admitting to the violations and agreed to a fine of \$116,550, with \$58,275 being suspended conditioned on Lo-Vac not committing any additional violations for a period of one (1) year, from the date of the executed Stipulation together with a \$25.00 citation fee for a total fee of \$58,300; to be paid in twelve (12) equal payments of \$4,858.33 monthly for twelve (12) months beginning with the execution of this Stipulation. Each monthly payment thereafter will be due on the thirtieth (30th) of each month. Additional conditions Lo-Vac agreed to as part of the Stipulation are:

- That all amounts will become due immediately if Lo-Vac fails to make timely payment under its payment plan as provided;
- Changes will be implemented to the corporate training policy to ensure all employees receive an orientation on LPSC-related statutes, rules, and orders upon employment; and
- Lo-Vac will continue to pursue expansion of authority in LPSC Docket No. T-34242.

**Commission Consideration**

On motion by Chairman Angelle, seconded by Commissioner DeWitt, and unanimously adopted, the Commission voted to exercise its original and primary jurisdiction under Rule 57 to consider the Stipulation. On motion by Chairman Angelle, seconded by Commissioner DeWitt, and unanimously adopted, the Commission voted to approve the Affidavit and Stipulation executed on December 15, 2016 by Lo-Vac for fines and fees totaling \$58,300.00.

**IT IS THEREFORE ORDERED THAT:**

1. The Affidavit and Stipulation executed on December 15, 2016 by Lo-Vac for fines and fees totaling \$58,300.00 is approved; and
2. This Order is effective immediately.

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

January 12, 2017

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