

LOUISIANA PUBLIC SERVICE COMMISSION

ORDER NO. T-34404

LOUISIANA PUBLIC SERVICE COMMISSION
VS.
SOUTHERN SOIL ENVIRONMENTAL INC.
(Haughton, Louisiana)

Docket No. T-34404, In re: Alleged violation of La. R.S. 45:161 through 180.1 by operating Intrastate without LPSC authority on twenty (20) counts occurring January 01, 2017 through January 31, 2017.

(Decided at the Business and Executive Session held July 26, 2017.)

Background and Summary of Violation

Southern Soil Environmental, Inc. ("Southern Soil") is a Louisiana corporation located in Haughton, Louisiana that did not have Louisiana Public Service Commission ("LPSC" or "Commission") authority to haul saltwater intrastate. Through an investigation conducted by Louisiana Public Service Commission Staff ("Staff"), it was discovered that Southern Soil had hauled twenty (20) loads of saltwater without LPSC authority between January 01, 2017 and January 31, 2017.

After discovering such violation and conducting an investigation, Staff issued a formal citation to Southern Soil on March 24, 2017 for operating intrastate without LPSC authority on the 20 counts and set a hearing date of June 1, 2017. Notice of the citation was published in the Commission's Official Bulletin dated March 24, 2017 and docketed as Docket No. T-34404.

Upon receiving Staff's citation, Southern Soil contacted Staff, admitted to the 20 hauls and began discussions regarding the circumstances of the hauls. On May 17, 2017, Patrick R. Jackson, APLC filed a Motion to Enroll and Continue and Refix Hearing on behalf of Southern Soil requesting that the hearing be rescheduled for July 6, 2017. Administrative Law Judge ("ALJ") Guillot rescheduled the hearing as requested by ruling issued on May 17, 2017. A hearing was convened on July 6, 2017 and an unopposed, oral motion to continue was entered into the record by Commission Staff requesting the matter be rescheduled for August 3, 2017 given that the parties were in ongoing settlement negotiations. The motion was granted by written ruling issued by ALJ Guillot on July 6, 2017. After numerous discussions with Southern Soil, Staff and Southern Soil reached a stipulation associated with the illegal operations.

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.

Stipulation

The Stipulation was executed by Southern Soil on July 11, 2017, whereby Southern Soil:

- 1) Admitted to operating intrastate without LPSC authority on 20 counts between January 1, 2017 and January 31, 2017;
- 2) Assumed any and all responsibility for the violations;
- 3) Agreed to the imposition of a \$40,000 fine, with \$20,000 being suspended conditioned on Southern Soil not committing any additional violations for a period of one year from the date of the executed stipulation; and
- 4) Agreed to pay a \$25.00 citation fee for a total fee of \$20,025.00.

Furthermore, the Stipulation required Southern Soil to:

- 1) Pay the total fines and fees of \$20,025.00 upon execution of the Stipulation;
- 2) Continue to pursue its request for saltwater authority with the Commission¹; and
- 3) Implement changes, if saltwater authority was granted, to the corporate training policy of Southern Soil to include orientation on Commission rules.

A copy of the executed Stipulation was filed into the record of this proceeding on July 12, 2017. This matter was placed on the Agenda for consideration at the Commission's July 26, 2017 Business and Executive Session. Southern Soil made payment in compliance with the Stipulation in the amount of \$20,025.00 on July 12, 2017.

Commission Consideration

On motion by Chairman Skrmetta, seconded by Vice Chairman Boissiere, and unanimously adopted, the Commission voted to exercise its original and primary jurisdiction and take the matter up under Rule 57.

After discussion, Chairman Skrmetta made a motion to adopt the Staff Recommendation. The motion was seconded by Commissioner Francis. Vice Chairman Boissiere made a substitute motion to fine Southern Soil \$40,000 with \$35,000 suspended for a total to be paid by Southern Soil of \$5,000. The motion was seconded by Commissioner Campbell with Chairmen Skrmetta, Commissioner Francis and Commissioner Baldone opposed. The motion failed due to a 2:3 vote.

Chairman Skrmetta re-urged his original motion, seconded by Commissioner Francis with Commissioner Baldone supporting and Commissioner Campbell and Vice Chairman Boissiere opposed. The motion passed due to a 3:2 vote.

¹ Southern Soil received its saltwater authority on July 13, 2017, with the Commission issuing Certificate No. 8120 to Southern Soil.

IT IS THEREFORE ORDERED THAT:

1. The Affidavit and Stipulation executed on July 11, 2017 by Southern Soil for fines and fees totaling \$40,025.00 with \$20,000 suspended is approved.

This Order is effective immediately.

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

August 15, 2017

/S/ ERIC F. SKRMETTA
DISTRICT I
CHAIRMAN ERIC F. SKRMETTA

OPPOSED
DISTRICT III
VICE CHAIRMAN LAMBERT C. BOSSIERE

OPPOSED
DISTRICT V
COMMISSIONER FOSTER L. CAMPBELL

/S/ MIKE FRANCIS
DISTRICT IV
COMMISSIONER MIKE FRANCIS


EVE KAHAO GONZALEZ
SECRETARY

/S/ DAMON J. BALDONE
DISTRICT II
COMMISSIONER DAMON J. BALDONE