

LOUISIANA PUBLIC SERVICE COMMISSION

ORDER NUMBER T-37372

ALLEN & SON'S TRUCKING COMPANY LLC
EX PARTE

Docket No. T-37372, In re: Application for a Common Carrier Certificate of non-hazardous oilfield waste and non-hazardous industrial solid waste for disposal, statewide.

(Decided March 26, 2025.)

ORDER

Background

Allen & Son's Trucking Company LLC ("Allen & Son's" or "Applicant") filed an application ("Application") with attachments on September 3, 2024, seeking from the Louisiana Public Service Commission ("LPSC" or "Commission") a common carrier certificate authorizing it to transport non-hazardous oilfield waste and non-hazardous industrial solid waste for disposal statewide. Notice of the Application was published in the Commission's *Official Bulletin* on September 13, 2024, for a 15-day intervention period. No interventions were filed.

The parties agreed to a procedural schedule at an initial status conference held on October 15, 2024. After the parties filed pre-hearing statements, the procedural schedule was continued without date on November 14, 2024, on motion of Commission Staff. At a status conference held on March 5, 2025, the parties agreed to a revised procedural schedule included in the *Report of Status Conference* issued on the same day. Per the schedule, the Applicant and Commission Staff filed updated pre-hearing statements on March 12, 2025. As there are no intervenors and Commission Staff supports the Application, the Application is considered unopposed.

Jurisdiction and Applicable Law

The Commission derives its jurisdiction over common carriers and public utilities from the Louisiana Constitution of 1974. Article IV, Section 21(B) of the Constitution states:

The [C]ommission 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, La. R.S. 45:163 provides that "[t]he [C]ommission has the power and authority necessary to supervise, govern, regulate, and control motor carriers...which transport household goods, passengers, or waste intrastate and to fix reasonable and just rates, fares, tolls, or charges for the commodities furnished or services rendered by such motor carriers." La. R.S. 45:164 states

that “[n]o motor carrier of waste shall operate without first having obtained from the [C]ommission a common carrier certificate or contract carrier permit.” La. R.S. 45:164(B) provides that an applicant for a common carrier certificate, contract carrier permit, or expansion of authority granted in an existing certificate must prove fitness by proving all of the following:

- (1) The applicant holds, or is capable of acquiring, an insurance policy that complies with [C]ommission rules.
- (2) The applicant has the financial ability to provide the transportation of waste for disposal in a safe and efficient manner.
- (3) The applicant holds, or is capable of acquiring all the necessary authorizations required by any and all regulatory authorities for the transportation of waste for disposal.
- (4) The applicant holds, or is capable or [sic] acquiring for use, equipment and man power to provide transportation services in a safe and efficient manner.
- (5) The applicant has in place, or is capable of establishing, a safety program necessary for the safe and efficient transportation of waste for disposal.

The Commission’s *General Order* dated January 23, 2018 incorporated the above requirements into Rule 33 of the Commission’s *Rules of Practice and Procedure*, which now reads (in pertinent part) as follows:

- A. An applicant applying for a common carrier certificate, contract carrier permit, or expansion of authority granted in an existing certificate or permit authorizing the transportation of non-hazardous oilfield waste, hazardous waste or non-hazardous industrial solid waste shall prove fitness...in a hearing before an administrative law judge or hearing officer by proving that the applicant:
 1. holds, or is capable of acquiring, an insurance policy providing coverage of two hundred fifty thousand dollars for injury or death per person or five hundred thousand dollars per occurrence, and ten thousand dollars property damage,
 2. has the financial ability to provide the transportation of waste for disposal in a safe and efficient manner,
 3. holds, or is capable of acquiring, all of the necessary authorizations required by any and all regulatory authorities for the transportation of waste for disposal[.],
 4. holds, or is capable of acquiring for use, equipment and man power to provide transportation services in a safe and efficient manner, and
 5. has in place, or is capable of establishing, a safety program necessary for the safe and efficient transportation of waste for disposal.
- ...
- D. The provisions of this rule are applicable to all applications for common carrier certificates and contract carrier permits of waste

and all applications for expansion of existing waste authority, including those applications which are presently pending before the Commission but have not yet gone to hearing on the merits.

- E. All restrictions on existing certificates or permits are valid until expansion of authority is applied for and a new certificate or permit is granted. However, any restrictive language in any existing common carrier certificate or any contract carrier permit of waste that prevents the carrier from applying for expanded authority for any period of time is null and void...
- F. Certificates or permits issued after the adoption of this rule shall not contain restrictions.

The Hearing

A hearing on the Application was convened on March 19, 2025, at which Allen & Son's appeared through Denerise Allen and Commission Staff appeared through counsel.

Testimony and Evidence Presented by the Applicant

In support of its Application, Allen & Son's presented the testimonies of Denerise Allen and Jason Bruno.

Testimony of Denerise Allen

Mr. Allen testified that he is the founder of Allen & Son's and its sole member and employee.¹ Mr. Allen testified further regarding his employment background, including 27 years of truck-driving experience before forming Allen & Son's. Allen & Son's is a Louisiana limited liability company formed on November 5, 2018, with its business address in Pearland, Texas, and its sole terminal in Breaux Bridge, Louisiana.² Allen & Son's currently operates in Louisiana and Texas transporting mostly scrap metal, equipment, and machinery related to oil and gas operations. According to Mr. Allen, the Applicant seeks the requested authority to expand its business services. Mr. Allen testified that he is the Applicant's only employee and driver, and the Applicant does not anticipate hiring any additional employees.

Mr. Allen averred that Allen & Son's is in good standing with the Louisiana Secretary of State's Office and state and federal regulatory agencies. Mr. Allen identified certain regulatory documents submitted with the Application, including documents filed with and obtained from the Louisiana Secretary of State's Office. Mr. Allen testified that if there are any inaccuracies in the information on file with the Louisiana Secretary of State's Office, the Applicant will promptly

¹ Mr. Allen testified that although Regionald Allen was listed as a member on documents filed with the Louisiana Secretary of State's office (Applicant Ex. A at 13 and 15), that Regionald Allen was not and never had been a member of the Applicant. (H'ing Tr. at 11:16-12:2 and 44:16-45:12).

² Mr. Allen testified that the Broussard, Louisiana address listed as Applicant's mailing address and the address of its sole terminal location in the Application was inaccurate, and the correct mailing and terminal address for Allen & Son's is 1074 Babineaux Road, Breaux Bridge, Louisiana, 70517. (H'ing Tr. at 8:18-9:4 and 39:7-41:6).

take steps to update that information, including its business addresses and member information.³ Mr. Allen confirmed that Allen & Son's has no violations with state or federal regulatory agencies. According to Mr. Allen, the Applicant has not filed for bankruptcy, has not been the subject of a tax audit, and is current on federal and state tax filings. Mr. Allen stated that he is willing and able to contribute capital to Allen & Son's if needed.

Mr. Allen identified insurance documents, including a *Form E, Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance* showing the Applicant as the insured. Mr. Allen confirmed that the policies listed are current, cover all of the Applicant's equipment and drivers (currently just Mr. Allen), meet or exceed the minimum requirements, and will be renewed on or before expiration. Mr. Allen confirmed his understanding of the Commission's requirement to maintain proof of insurance on file with the Commission through a *Form E*.

Mr. Allen testified regarding the Applicant's equipment, identifying one truck and one trailer the Applicant will use for transporting LPSC-regulated waste. The Applicant does not utilize owner-operators and does not plan to do so. Mr. Allen stated that he understands the LPSC rules regarding owner-operators. Mr. Allen addressed the Applicant's maintenance policies and practices, including pre- and post-trip inspections, maintenance schedules, and maintenance documentation. Mr. Allen averred that all equipment to be used by the Applicant for transporting LPSC-regulated waste is in good working order. The Applicant's truck is equipped with GPS and a forward-facing camera.

Mr. Allen addressed the Applicant's safety policies and practices, including waste-specific policies. Mr. Allen identified and provided an overview of the Applicant's safety manual. Mr. Allen explained that he is enrolled in a drug screening program, which includes random drug screenings. As Mr. Allen is the only employee and driver, he does not conduct formal safety meetings. He explained the safety meetings he would implement if the Applicant hires additional employees. Mr. Allen testified that the Applicant will operate safely and efficiently.

Mr. Allen stated that the Applicant does not plan to hire additional drivers. Mr. Allen testified regarding the hiring and training practices the Applicant intends to use if additional drivers are hired, including minimum experience, license requirements, and background checks.

Mr. Allen confirmed his understanding of multiple Commission rules and regulations,

³ Applicant's Ex. A at 15 lists a different domicile address than the one provided in the Application and Mr. Allen's testimony. Applicant's Ex. A at 13 and 15 lists Regionald Allen as a member of the Applicant. *See*, footnotes 1 and 2.

including filing annual reports and paying inspection and supervision fees. Per Mr. Allen, the Applicant intends to comply with all of the Commission's regulations. Mr. Allen indicated that the Applicant has or is willing to acquire the necessary permits, equipment, finances, and personnel for the transportation of LPSC-regulated waste in a safe, efficient, and LPSC-compliant manner.

Testimony of Jason Bruno

Mr. Bruno testified that he is a tax officer for Alpha Tax and Financial Services in Lafayette, Louisiana. He has been employed by Alpha Tax and Financial Services for 20 years, and has performed tax services for various waste transporters for approximately 5 years. Mr. Bruno stated the Applicant retained him about one year ago to perform accounting and tax services and registrations with state and federal agencies, including the Louisiana Secretary of State's office and the LPSC. Mr. Bruno explained that he assisted Mr. Allen in submitting Allen & Son's Application in this matter and an application for LPSC authority to transport saltwater. Mr. Bruno testified that Allen & Son's has received its LPSC certificate to transport saltwater.

Mr. Bruno testified regarding the Applicant's financial condition, identifying documents depicting the Applicant's finances, asserting that the Applicant is financially able to provide safe and efficient transportation of waste, and stating there are no financial factors that would limit that ability. According to Mr. Bruno, the Applicant meets all of its financial obligations. Mr. Bruno also testified regarding the Applicant's ability and understanding to comply with regulatory filing requirements, such as LPSC annual reports and inspection and supervision fee reporting and payments to the Louisiana Department of Revenue. According to Mr. Bruno, he will assist the Applicant in complying with those regulatory obligations. Mr. Bruno also testified that he will assist the Applicant in updating documentation with the Louisiana Secretary of State's office to ensure that the Applicant's information on file with that office is current.

In connection with their testimonies, the witnesses identified the following exhibits which were admitted:

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|----------------------------|--|
| Exhibit A, <i>in globo</i> | The <i>Waste by Motor Vehicle Application</i> filed by Allen & Son's Trucking Company LLC on September 3, 2024, with public attachments. |
| Exhibit B, <i>in globo</i> | The following financial documents for Allen & Son's Trucking Company LLC (admitted confidentially under seal): <ul style="list-style-type: none">• Income Statement, December 2022• Income Statement, December 2023• Income Statement, January 1, 2024 - June 30, 2024• Balance Sheet, December 2023 |

- Balance Sheet as of June 30, 2024.

Exhibit C, *in globo*

The following insurance documents listing Allen & Son's Trucking Company LLC as the insured:

- *Form MCS-90, Endorsement for Motor Carrier Policies of Insurance for Public Liability Under Sections 29 and 30 of the Motor Carrier Act of 1980 Policy for Safe Handling and Transportation of Hazardous Waste*
- *Form E, Uniform Motor Carrier Bodily Insurance and Property Damage Certificate of Liability Insurance (duplicate copies).*

Exhibit D, *in globo*

The following safety policies for Allen & Son's Trucking Company LLC:

- *Drug and Alcohol Policy for Truck Drivers*
- *Company Cell Phone Policy*
- *[P]olicy for Handling and Transportation of Non-Hazardous Oilfield Waste*
- *[P]olicy for Handling and Transportation of Non-Hazardous Industrial Solid Waste Management Policy [sic]. And,*

Exhibit E, *in globo*

LPSC Staff's First Set of Data Requests to Allen & Son's Trucking Company, LLC [sic] and responses thereto (excluding referenced attachments) and LPSC Staff's Second Set of Data Requests to Allen & Son's Trucking Company, LLC [sic] and responses thereto (excluding referenced attachments).

The Commission Staff stated in its pre-hearing statement that there were no interventions or protests to the Application and that there were no complaints, citations or violations pending against Allen & Son's. Commission Staff stated at hearing that it supports the Application and that Allen & Son's satisfies all fitness requirements. Commission Staff confirmed at the hearing that Allen & Son's is in good standing with the Commission with no outstanding compliance issues.

Conclusion

Having considered the Application of Allen & Son's, the testimony and evidence presented in support of the Application, Commission Staff's support of the Application, the directives of the Commission's *General Order* dated January 23, 2018, Rule 33 of the Commission's *Rules of Practice and Procedure*, and other applicable law, we find that Allen & Son's has established its fitness to operate and that a common carrier certificate should be issued to the Applicant as requested.

Accordingly, **IT IS HEREBY ORDERED** that Allen & Son's Trucking Company LLC be issued a common carrier certificate authorizing operation in Louisiana intrastate commerce as

a common carrier of non-hazardous oilfield waste and non-hazardous industrial solid waste for disposal, statewide.

IT IS FURTHER ORDERED that the issuance of the common carrier certificate is conditioned upon the full compliance of Allen & Son's Trucking Company LLC with the laws of the State of Louisiana and the rules and regulations of the Louisiana Public Service Commission.

BY ORDER OF THE COMMISSION
BATON ROUGE, LOUISIANA
March 27, 2025



A handwritten signature in blue ink, appearing to read "Brandon M. Frey".

BRANDON M. FREY
SECRETARY

A handwritten signature in blue ink, appearing to read "Mike Francis".

DISTRICT IV
CHAIRMAN MIKE FRANCISA handwritten signature in blue ink, appearing to read "Eric F. Skrmetta".

DISTRICT I
VICE CHAIRMAN ERIC F. SKRMETTAA handwritten signature in blue ink, appearing to read "Foster L. Campbell".

DISTRICT V
COMMISSIONER FOSTER L. CAMPBELLA handwritten signature in blue ink, appearing to read "Davante Lewis".

DISTRICT III
COMMISSIONER DAVANTE LEWISA handwritten signature in blue ink, appearing to read "Jean-Paul P. Coussan".

DISTRICT II
COMMISSIONER JEAN-PAUL P. COUSSAN