

DOCKET NUMBER T-37099 - LOUISIANA PUBLIC SERVICE COMMISSION VS. TYRONE’S DETAILING, WRECKER SERVICE AND AUTO REPAIR, LLC. IN RE: CANCELLATION OF COMMON CARRIER CERTIFICATE NUMBERS 6925-A FOR FAILURE TO MAINTAIN THE REQUIRED INSURANCE COVERAGE ON FILE WITH THE COMMISSION PURSUANT TO COMMISSION’S GENERAL ORDER DATED OCTOBER 13, 2023.

DATE OF HEARING: April 9, 2024

ADMINISTRATIVE LAW JUDGE MELISSA FREY

WITNESSES:

PAGE NUMBER

Paul Amy on behalf of Louisiana Public Service Commission

Direct Examination by Paul Rachal

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1 **DOCKET NUMBER T-37099 - LOUISIANA PUBLIC SERVICE**
2 **COMMISSION VS. TYRONE’S DETAILING, WRECKER SERVICE AND**
3 **AUTO REPAIR, LLC. IN RE: CANCELLATION OF COMMON**
4 **CARRIER CERTIFICATE NUMBERS 6925-A FOR FAILURE TO**
5 **MAINTAIN THE REQUIRED INSURANCE COVERAGE ON FILE WITH**
6 **THE COMMISSION PURSUANT TO COMMISSION’S GENERAL**
7 **ORDER DATED OCTOBER 13, 2023.**

8 **ADMINISTRATIVE LAW JUDGE MELISSA FREY:** The next matter on the
9 docket this morning is Docket Number T-37099 - Louisiana Public Service
10 Commission versus Tyrone’s Detailing, Wrecker Service and Auto Repair, LLC.
11 In re: Cancellation of Common Carrier Certificate Numbers, is what the in re says,
12 6925-A for failure to maintain the required insurance coverage on file with the
13 Commission pursuant to the Commission’s General Order dated October 13, 2023.
14 Would the parties present please make their appearances for the record?

15 **MR. PAUL RACHAL:** Paul Rachal on behalf of Commission Staff.

16 **JUDGE FREY:** Let the record reflect that there is no one present in the courtroom
17 this morning on behalf of Tyrone’s Detailing, Wrecker Service and Auto Repair,
18 LLC. Does the Staff plan to move forward this morning?

19 **MR. RACHAL:** Yes, Your Honor.

20 **JUDGE FREY:** All right. You can proceed, Mr. Rachal.

21 **MR. RACHAL:** Your Honor, Commission Staff is prepared to prove through both
22 documentary and testimonial evidence that the carrier cited in this docket, Tyrone’s
23 Detailing, Wrecker Service and Auto Repair, LLC, violated the Commission rules

1 and regulations by failing to maintain the required insurance coverage on file with
2 the Commission as required by the Commission's General Order dated October 13,
3 2023. Your Honor, as a result of that violation, at the conclusion of this hearing,
4 the Commission is going to request that the carrier be found guilty for the
5 cancellation of carrier Common Carrier Certificate Numbers 6925-A. Your Honor,
6 at this time we'd like to call our first witness, Enforcement Agent Paul Amy.

7 **Paul Amy after having been previously duly sworn, testified as follows:**

8 **DIRECT EXAMINATION BY PAUL RACHAL**

9 **MR. RACHAL:** Can you please state your name and business address for the
10 record?

11 **MR. PAUL AMY:** My name is Paul Amy and my business address is Galvez
12 Building, 11th Floor, 602 North 5th Street, Baton Rouge, Louisiana 70802.

13 **MR. RACHAL:** And where are you employed?

14 **MR. AMY:** I'm employed in the Transportation Division of the LPSC as an
15 Enforcement Agent.

16 **MR. RACHAL:** And could you describe some of your job duties as an
17 Enforcement Agent?

18 **MR. AMY:** I oversee insurance compliance for regulated motor carriers.

19 **MR. RACHAL:** And what documents are submitted to evidence insurance?

20 **MR. AMY:** A Form E is filed to show proof of bodily injury and property damage
21 liability insurance.

22 **MR. RACHAL:** And what Commission order requires carriers file forms as proof
23 of insurance?

1 **MR. AMY:** The Commission's General Order dated October 13, 2023 provides
2 requirements for insurance filings for motor carriers in Louisiana.

3 **MR. RACHAL:** And how is the Commission notified of the cancellation or
4 expiration of a carrier's insurance?

5 **MR. AMY:** We receive a Form K, a uniform notice of cancellation from the motor
6 carrier's insurance underwriter.

7 **MR. RACHAL:** And as part of your job duties that you just discussed, are you the
8 person who receives any correspondence or filings associated with a regulated
9 carrier's insurance?

10 **MR. AMY:** Yes.

11 **MR. RACHAL:** And are you familiar with the carrier cited in this docket,
12 Tyrone's Detailing, Wrecker Service and Auto Repair, LLC?

13 **MR. AMY:** Yes.

14 **MR. RACHAL:** And is this carrier a regulated motor carrier operating under
15 Common Carrier Certificate Number 6925-A?

16 **MR. AMY:** Yes.

17 **MR. RACHAL:** And what type of carrier is the carrier cited in this case?

18 **MR. AMY:** It's a towing and recovery motor carrier.

19 **MR. RACHAL:** And what is the carrier's mailing address on file with the
20 Commission?

21 **MR. AMY:** It's 191 West 5th Street, Laplace, Louisiana 70068.

1 **MR. RACHAL:** And has the Commission's Transportation Division received any
2 correspondence associated with this carrier's commercial automobile insurance
3 policy?
4 **MR. AMY:** Yes, we received a Form K.
5 **MR. RACHAL:** You have in front of you a document marked as Staff Exhibit 1.
6 Can you identify this document?
7 **MR. AMY:** Yes, it is a Form K for this particular carrier.
8 **MR. RACHAL:** And to whom was this document sent?
9 **MR. AMY:** To the Transportation Division.
10 **MR. RACHAL:** And who sent this document to the Transportation Division of
11 the Commission?
12 **MR. AMY:** AmGUARD Insurance Company, the carrier's insurer.
13 **MR. RACHAL:** And what date did the Commission receive this document?
14 **MR. AMY:** October --
15 **MR. RACHAL:** I think it's on the top of the document, perhaps.
16 **MR. AMY:** October 17, 2023.
17 **MR. RACHAL:** And do you know what the acronyms BI and PD at the top-right
18 of the document mean?
19 **MR. AMY:** Bodily injury and property damage.
20 **MR. RACHAL:** And what does this document indicate?
21 **MR. AMY:** It indicates that Tyrone's Detailing, Wrecker Service and Auto Repair,
22 LLC bodily injury and property damage auto liability policy would be cancelled.

1 **MR. RACHAL:** And what is the insurance policy cancellation date provided in
2 that document?

3 **MR. AMY:** November 16, 2023.

4 **MR. RACHAL:** And what is the carrier's address on that document?

5 **MR. AMY:** 191 West 5th Street, Laplace, Louisiana 70068.

6 **MR. RACHAL:** And is this document signed by a company representative?

7 **MR. AMY:** Yes.

8 **MR. RACHAL:** Your Honor, Staff moves to offer, file, introduce into evidence
9 Exhibit 1, the carrier's commercial automobile insurance policy, a Form K.

10 **JUDGE FREY:** Staff Exhibit 1 is admitted.

11 **MR. RACHAL:** Thank you. And what did the Transportation Division do after
12 receiving these documents?

13 **MR. AMY:** A notice of cancellation letter was mailed to the carrier.

14 **MR. RACHAL:** You have a document before you marked as Staff Exhibit 2.
15 Could you identify this document?

16 **MR. AMY:** This is a notice of cancellation letter.

17 **MR. RACHAL:** And to whom was this document sent?

18 **MR. AMY:** It's November 17, 2023.

19 **MR. RACHAL:** Who was it sent to?

20 **MR. AMY:** Tyrone's Detailing, Wrecker Service and Auto Repair, LLC.

21 **MR. RACHAL:** And what date did the Commission send this document?

22 **MR. AMY:** November 17, 2023.

23 **MR. RACHAL:** And what does this document indicate?

1 **MR. AMY:** It notifies Tyrone's, LLC that the Commission has received a Form K
2 from the underwriting company.

3 **MR. RACHAL:** And does the document indicate that a replacement should be
4 filed effective on the same day as the cancellation date of the previous coverage?

5 **MR. AMY:** Yes.

6 **MR. RACHAL:** And does the document state that the carrier should cease
7 operations until replacement coverage is filed?

8 **MR. AMY:** Yes.

9 **MR. RACHAL:** And is the carrier address on the document sent the same as the
10 address on file for this particular carrier?

11 **MR. AMY:** Yes.

12 **MR. RACHAL:** Had Staff received a change of address notice from this carrier
13 prior to this letter?

14 **MR. AMY:** No.

15 **MR. RACHAL:** Did you prepare this notice of cancellation letter for mailing and
16 mail it the carrier by means of United States mail?

17 **MR. AMY:** Yes.

18 **MR. RACHAL:** And whose signature is on the notice of cancellation letter?

19 **MR. AMY:** That's Tammy Burl, LPSC Transportation Administrator.

20 **MR. RACHAL:** And is this signature automatically generated by the
21 Commission's database?

22 **MR. AMY:** Yes.

1 **MR. RACHAL:** Your Honor, Staff moves to offer, file, introduce into evidence
2 Staff Exhibit 2, the notice of cancellation letter for Tyrone's, LLC commercial
3 automobile insurance policy.

4 **JUDGE FREY:** Applicant -- I mean, Staff Exhibit 2 is admitted.

5 **MR. RACHAL:** Mr. Amy, can you confirm that was sent by regular mail?

6 **MR. AMY:** Yes.

7 **MR. RACHAL:** Was the letter returned by U.S. mail?

8 **MR. AMY:** No.

9 **MR. RACHAL:** After the notice of cancellation was sent, did the carrier submit a
10 Form E for proof of insurance?

11 **MR. AMY:** No.

12 **MR. RACHAL:** You have a document before you marked as Staff Exhibit 3, in
13 globo. Can you identify this document?

14 **MR. AMY:** Yes, this is the tentative hearing letter sent to Tyrone's, LLC.

15 **MR. RACHAL:** And to whom was the document sent?

16 **MR. AMY:** Tyrone's Detailing, Wrecker Service and Auto Repair, LLC.

17 **MR. RACHAL:** And what does this document indicate?

18 **MR. AMY:** It notifies Tyrone's, LLC that a tentative hearing date of January 11,
19 2024 was set for failure to maintain insurance on file with the Commission and that
20 a citation will be issued if they do not submit proof by January 22, 2024.

21 **MR. RACHAL:** And what date did the Commission send this document?

22 **MR. AMY:** January 5, 2024.

23 **MR. RACHAL:** And was this sent by regular mail?

1 **MR. AMY:** Yes.

2 **MR. RACHAL:** And is the carrier address on the document sent the same as the
3 address on file for this particular carrier?

4 **MR. AMY:** Yes.

5 **MR. RACHAL:** Has Staff received a change of address notice from the carrier
6 prior to sending out this letter?

7 **MR. AMY:** No.

8 **MR. RACHAL:** And did you prepare this letter for mailing and mail it to the
9 carrier by means of United States mail?

10 **MR. AMY:** Yes.

11 **MR. RACHAL:** And whose signature is on the tentative hearing letter?

12 **MR. AMY:** That's my signature.

13 **MR. RACHAL:** And were there any documents attached to this letter?

14 **MR. AMY:** Yes. The notice of cancellation letter dated November 17, 2023.

15 **MR. RACHAL:** Your Honor, Staff moves to offer, file, and introduce into
16 evidence as Staff Exhibit 3, in globo, the tentative hearing letter sent to the carrier
17 in this docket.

18 **JUDGE FREY:** Staff Exhibit 3, in globo, is admitted.

19 **MR. RACHAL:** Thank you. Did the U.S. Postal Service return the tentative
20 hearing letter admitted into evidence as Staff Exhibit 3, in globo, as undeliverable
21 for any reason?

22 **MR. AMY:** No.

1 **MR. RACHAL:** After the tentative hearing letter was sent to the carrier, did the
2 carrier submit a Form E indicating required insurance coverage?
3 **MR. AMY:** No.
4 **MR. RACHAL:** After receiving no response from the carrier, what action did the
5 Transportation Division take next?
6 **MR. AMY:** A citation was issued to Tyrone's, LLC.
7 **MR. RACHAL:** You have a document before you marked as Staff Exhibit 4, in
8 globo. Could you identify this document?
9 **MR. AMY:** This is the citation.
10 **MR. RACHAL:** And to whom was that document sent?
11 **MR. AMY:** That was sent to Tyrone's Detailing, Wrecker Service and Auto
12 Repair, LLC.
13 **MR. RACHAL:** And what date did the Commission send this document?
14 **MR. AMY:** January 31, 2024.
15 **MR. RACHAL:** And is the carrier address on the document sent the same as
16 address on file for this particular carrier?
17 **MR. AMY:** Yes.
18 **MR. RACHAL:** And is this carrier address on the -- I'm sorry. Had Staff received
19 a change of address notice from this carrier prior to the citation?
20 **MR. AMY:** No.
21 **MR. RACHAL:** And on the in re in the citation, is that a typo with common carrier
22 certificate numbers? Is it supposed to be a number or numbers? Where it says
23 cancellation of Common Carrier Certificate Numbers 6925-A.

1 **MR. AMY:** Oh, okay. That should be number and not plural.

2 **MR. RACHAL:** Okay. Just wanted to confirm that.

3 **MR. AMY:** Right.

4 **MR. RACHAL:** Did you prepare the citation -- I'm sorry. Whose signature is on

5 the citation, again?

6 **MR. AMY:** That's Tammy Burl, LPSC Transportation Administrator.

7 **MR. RACHAL:** And you are not testifying to the validity of the signature, just

8 that this document was prepared by you for her signature?

9 **MR. AMY:** Yes.

10 **MR. RACHAL:** Were there any documents attached to this letter?

11 **MR. AMY:** Yes. The tentative hearing letter and the notice of cancellation.

12 **MR. RACHAL:** Did the citation provide the carrier notice that a citation fee in

13 the amount of \$25 had been assessed to the carrier's account?

14 **MR. AMY:** Yes.

15 **MR. RACHAL:** And did the citation also provide the carrier notice that an order

16 may be issued by the Commission, cancelling the carrier common carrier number

17 for failure to maintain the required insurance coverage?

18 **MR. AMY:** Yes.

19 **MR. RACHAL:** What was the hearing date, time, and location provided in the

20 citation?

21 **MR. AMY:** Tuesday, April 9, 2024 at 9:30 AM, Galvez Building, 11th Floor, 602

22 North 5th Street, Baton Rouge, Louisiana 70802.

1 **MR. RACHAL:** Was notice of the citation published and available to the general
2 public in the Commission's Official Bulletin Number 1316, dated February 2,
3 2024?

4 **MR. AMY:** Yes.

5 **MR. RACHAL:** Your Honor, Staff moves to offer, file, and introduce into
6 evidence the citation with its attachments as Staff Exhibit 4, in globo.

7 **JUDGE FREY:** Staff Exhibit 4, in globo, is admitted.

8 **MR. RACHAL:** Thank you. Once Ms. Burl executed the citation, introduced as
9 Staff Exhibit 4, in globo, did you mail a citation to the carrier?

10 **MR. AMY:** Yes.

11 **MR. RACHAL:** Was the citation sent by certified mail with a return receipt
12 request as well as regular mail?

13 **MR. AMY:** Yes.

14 **MR. RACHAL:** Was the regular mail returned for any reason?

15 **MR. AMY:** No.

16 **MR. RACHAL:** Was the citation mailed certified delivered to the best of your
17 knowledge?

18 **MR. AMY:** Yes.

19 **MR. RACHAL:** You have in front of you a document marked as Staff Exhibit 5.
20 Do you recognize this document?

21 **MR. AMY:** Yes, that's a copy of the certified mailing envelope with the contained
22 citation sent to the carrier.

1 **MR. RACHAL:** Your Honor, you have the original envelope before you for
2 inspection. Does the tracking number on the envelope, ending in 5339, match that
3 on the citation?
4 **MR. AMY:** Yes.
5 **MR. RACHAL:** And what does this document indicate?
6 **MR. AMY:** It indicates that the citation sent certified mail was returned as
7 unclaimed.
8 **MR. RACHAL:** Is the address on this unclaimed envelope the same address that
9 is on file with the Commission?
10 **MR. AMY:** Yes.
11 **MR. RACHAL:** And the notation on the front of the envelope, did you put that
12 there?
13 **MR. AMY:** No, that appears to be a notation made by the postal service.
14 **MR. RACHAL:** And on the back or front of the envelope, does it indicate when
15 Staff received the envelope back?
16 **MR. AMY:** Yes. Staff received it back on March 20, 2024.
17 **MR. RACHAL:** Did you write that or was that put there, the date?
18 **MR. AMY:** Oh, the March on the stamp, yes, I wrote over it for March.
19 **MR. RACHAL:** Your Honor, Staff moves to offer, file, introduce into evidence
20 Exhibit 5.
21 **JUDGE FREY:** Staff Exhibit 5, copies of the front and back of the envelope with
22 certified mail receipt ending in 5339, is admitted. And I do have the original

1 envelope in front of me and it matches the copies offered as Staff Exhibit 5. So
2 Staff Exhibit 5 is admitted.

3 **MR. RACHAL:** Thank you. As of today, has a representative of the carrier filed
4 the appropriate documents to close its certificate?

5 **MR. AMY:** No.

6 **MR. RACHAL:** As of today, has the carrier filed proof of insurance or a Form E
7 with the Commission?

8 **MR. AMY:** No.

9 **MR. RACHAL:** Is Staff seeking that the carrier be found guilty of failing to
10 maintain insurance filings and that Common Carrier Certificate Number 6925-A be
11 cancelled?

12 **MR. AMY:** Yes.

13 **MR. RACHAL:** And does Staff also seek that the carrier pays a \$25 citation fee
14 as authorized by the June 7, 2006 General Order?

15 **MR. AMY:** Yes.

16 **MR. RACHAL:** That's all the questions I have, Your Honor.

17 **JUDGE FREY:** Thank you. I have a few clarifying questions.

18 **MR. AMY:** Okay.

19 **JUDGE FREY:** Do you have what was admitted as Staff Exhibit 3, in globo, in
20 front of you, Mr. Amy?

21 **MR. AMY:** Yes.

22 **JUDGE FREY:** Was this document sent to the carrier via email?

23 **MR. AMY:** It appears that it said also via email on the -- yeah -- on the document.

1 **JUDGE FREY:** Okay. But before the hearing today, did you confirm that it was
2 sent via email?

3 **MR. AMY:** I did not.

4 **JUDGE FREY:** But it indicates on the letter, also sent via email?

5 **MR. AMY:** Right.

6 **JUDGE FREY:** Thank you. Do you have what was admitted as Staff Exhibit 5 in
7 front of you?

8 **MR. AMY:** Yes.

9 **JUDGE FREY:** And it consists of two pages. On the first page, Mr. Rachal asked
10 you about a notation, and I believe your testimony was that it appeared to be put
11 there by the postal service. Could you just verbally explain for the record what
12 notation you were referring to?

13 **MR. AMY:** The notation is right above the Exhibit 5, to the left, above that.

14 **JUDGE FREY:** Thank you. And you said that it was unclaimed. What indicates
15 that the certified mail was unclaimed?

16 **MR. AMY:** Well, there's a sticker from the Postal Service that says return to
17 sender, unclaimed.

18 **JUDGE FREY:** And does it indicate anything else?

19 **MR. AMY:** Unable to forward.

20 **JUDGE FREY:** Thank you. I have no further questions. Do you have any follow
21 up for Mr. Amy?

22 **MR. RACHAL:** No more questions for him.

1 **JUDGE FREY:** Thank you. If you are going to be the witness in the next hearing,
2 you can remain seated, Mr. Amy. Mr. Rachal.

3 **MR. RACHAL:** Your Honor, as a result of this violation, we are asking -- the
4 Commission requests that the carrier be found guilty and cancel the Common
5 Carrier Certificate Number 6925-A and also enforce the \$25 citation fee.

6 **JUDGE FREY:** Thank you. If there is nothing further, that matter will be
7 adjourned.

8

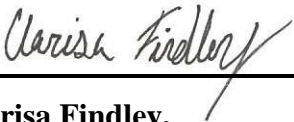
9 **(WHEREUPON, THE HEARING WAS ADJOURNED)**

10

1 I hereby certify that the foregoing pages 1 through 15 are true and correct to the best
2 of my knowledge of the Hearing held on April 9, 2024 in Baton Rouge, Louisiana.

3

4 **Rough Draft by:**

5 

6 **Clarisa Findley,**
7 **Court Reporter**

April 9, 2024

Date

8 **Proofed by:**

9 

10 **Beth Boozer,**
11 **Court Reporter**

May 2, 2024

Date

12 **Finalized by:**

13 

14 **Kayla Fiorenza,**
15 **Court Reporter**

May 7, 2024

Date