

LOUISIANA PUBLIC SERVICE COMMISSION

ORDER NO. T-31228

LOUISIANA PUBLIC SERVICE COMMISSION
VERSUS
TRC TRUCKING COMPANY, LLC
(JENA, LOUISIANA)

Docket Number T-31228 – Louisiana Public Service Commission vs TRC Trucking Company, LLC (Jena, Louisiana). In re: Alleged violation of Louisiana Revised Statutes Title 45:161 through 180.1 as amended, by operating Intrastate without L.P.S.C. authority on sixteen counts; allegedly occurring on or about April 15, 2009 through April 22, 2009.

(Decided at the March 10, 2010 Business and Executive Meeting)

OVERVIEW:

On December 23, 2009, the Louisiana Public Service Commission issued a citation to TRC Trucking Company, LLC (Jena, Louisiana) (“Carrier”), directing the Carrier to show cause at a hearing to be held on February 11, 2010, why it should not be found guilty of violating Louisiana Revised Statutes Title 45:161 through 180.1, as amended, by operating intrastate without L.P.S.C. authority on sixteen counts, allegedly occurring on or about April 15, 2009 through April 22, 2009. Notice of this proceeding was published in the January 8, 2010 edition of the Commission’s Official Bulletin.

A stipulation and agreement was reached between Staff and the Carrier on January 11, 2010, wherein the Carrier agreed to plead guilty and Staff filed a Motion to Continue the matter to March 17, 2010, to give the parties time to execute the stipulation and agreement and to present the stipulation and agreement to the Commission for approval at the February 12, 2010 Business and Executive Session. By Affidavit and Stipulation dated January 14, 2010, the Carrier entered a plea of guilty to the alleged violations, waived its right to a hearing and agreed to pay a fine of \$2,000.00, per count, with \$1,000.00 of the fine, per count, being suspended, conditioned on not committing any additional violations within 12 months of the date of the Order and further agreed to pay a citation fee of \$25.00. It was agreed that the unsuspended portion of the fine and the citation fee totals \$16,025.00. Since the Carrier could not afford a lump sum payment of the fine, the following 12 month installment plan was agreed upon:

1st payment of \$1,333.33 and the \$25.00 citation fee due immediately
2nd-11th payments of \$1,333.33 due on the 15th of each month beginning 2-15-10
12th payment of \$1,333.70 due on December 15, 2010
A late payment will result in the remaining balance becoming due immediately.

STAFF RECOMMENDATION:

Staff recommended that the Commission exercise its original and primary jurisdiction herein under Rule 57 and accept the agreement between Staff and the Carrier, wherein the Carrier agreed to plead guilty, and agreed to pay a fine of \$2,000.00, per count, with \$1,000.00, per count of the fine being suspended, conditioned on not committing any additional violations within 12 months of the date of the Order and further agreed to pay a citation fee of \$25.00, the unsuspended portion of the fine and the citation fee, for a total of \$16,025.00, to be paid in accordance with the agreed upon installment payment plan.

COMMISSION ACTION:

On motion of Commissioner Holloway, seconded by Commissioner Field, and unanimously adopted, the Commission voted to assert its original and primary jurisdiction pursuant to Rule 57. On motion of Commissioner Holloway, seconded by Commissioner Boissiere, with Commissioners Field and Campbell concurring and Commissioner Skrmetta objecting, the Commission voted to accept the guilty plea entered by the Carrier and fine the Carrier \$1,000.00 per violation with \$500.00 per violation suspended, conditioned on the Carrier not committing any additional violations within 12 months of the date of the Order, plus a \$25.00 citation fee for a total fine of \$8,025.00 to be paid in accordance with the agreed upon installment payment plan.

IT IS THEREFORE ORDERED:

That the Carrier's plea of guilty be and is hereby accepted and that TRC Trucking Company, LLC, is hereby ordered to pay a fine of \$1,000.00, per count, with \$500.00, per count of the fine being suspended, conditioned on not committing any additional violations within 12 months of the date of the Order and further pay a citation fee of \$25.00, the unsuspended portion of the fine and the citation fee, for a total of \$8,025.00, to be paid in accordance with the agreed payment plan.

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

July 16, 2010

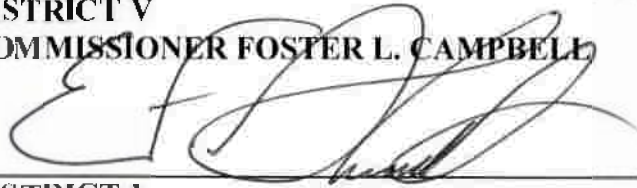


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VICE CHAIRMAN JAMES M. FIELD**



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COMMISSIONER FOSTER L. CAMPBELL**



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