

**DOCKET NUMBER T-37124 - YELLOWFIN WASTE & ENVIRONMENTAL, LLC, EX PARTE. IN RE: APPLICATION FOR A COMMON CARRIER CERTIFICATE OF NON-HAZARDOUS OILFIELD WASTE, NON-HAZARDOUS INDUSTRIAL SOLID WASTE AND HAZARDOUS WASTE FOR DISPOSAL, STATEWIDE.**

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**DATE OF HEARING: May 7, 2024**

**ADMINISTRATIVE LAW JUDGE MELISSA FREY**

**REDACTED**

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1 **DOCKET NUMBER T-37124 - YELLOWFIN WASTE &**  
2 **ENVIRONMENTAL, LLC, EX PARTE. IN RE: APPLICATION FOR A**  
3 **COMMON CARRIER CERTIFICATE OF NON-HAZARDOUS OILFIELD**  
4 **WASTE, NON-HAZARDOUS INDUSTRIAL SOLID WASTE AND**  
5 **HAZARDOUS WASTE FOR DISPOSAL, STATEWIDE.**

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6 **ADMINISTRATIVE LAW JUDGE MELISSA FREY:** Good afternoon. Today  
7 is Tuesday, May 7, 2024. I'm Administrative Law Judge Melissa Frey. We are  
8 here this afternoon convening a hearing in Docket Number T-37124 - Yellowfin  
9 Waste & Environmental, LLC, ex parte. In re: Application for common carrier  
10 certificate of non-hazardous oilfield waste, non-hazardous industrial solid waste  
11 and hazardous waste for disposal, statewide. Would the parties present please make  
12 your appearances, starting with the applicant?

13 **MR. KEVIN HYMEL:** Sorry. Say that again.

14 **JUDGE FREY:** Yes. Can you just tell me your name, your title, and who you're  
15 here to represent?

16 **MR. HYMEL:** I'm sorry. Yeah. My name's Kevin Hymel. I'm a managing  
17 partner of Yellowfin Waste & Environmental.

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

19 **JUDGE FREY:** Okay. We can proceed with the case, Mr. Rachal.

20 **MR. RACHAL:** Thank you, Your Honor. Your Honor, as stated in Staff's pre-  
21 hearing statement, there are no pending proceedings before the Commission against  
22 the applicant involving complaints, citations or violations, and Staff supports this

1 application. Staff is now prepared to proceed to the taking of the testimony. Your  
2 Honor, I'd like to call Mr. Kevin Hymel to the stand.

3 **Kevin Hymel came forth as a witness; and, after having been duly sworn,**  
4 **testified as follows.**

5 **DIRECT EXAMINATION BY MR. PAUL RACHAL**

6 **MR. RACHAL:** Good afternoon. For the record, what is your full name?

7 **MR. HYMEL:** Kevin Hymel.

8 **MR. RACHAL:** And by whom are you employed?

9 **MR. HYMEL:** Yellowfin Waste & Environmental.

10 **MR. RACHAL:** And what is your employer's business address?

11 **MR. HYMEL:** 403 A Saint Mary Street, Thibodaux, Louisiana 70301.

12 **MR. RACHAL:** And what is your role with the company?

13 **MR. HYMEL:** I'm a managing member.

14 **MR. RACHAL:** And what is your work history with the company?

15 **MR. HYMEL:** I'm involved pretty much in all the daily activities.

16 **MR. RACHAL:** What would that consist of?

17 **MR. HYMEL:** Just overseeing a little bit of everything, to finances, the trucking,  
18 just every aspect of the business.

19 **MR. RACHAL:** And how much experience do you have in the waste hauling  
20 industry?

21 **MR. HYMEL:** Five years.

22 **MR. RACHAL:** And did you assist in the drafting and filing of Yellowfin's  
23 application we are here for today?

1     **MR. HYMEL:** Yes, sir.

2     **MR. RACHAL:** And what is your background in waste hauling or how did you  
3     get into that business, or?

4     **MR. HYMEL:** I was in the construction industry for probably, legally, probably  
5     27 years, and it was just a need in our area for companies that needed better service  
6     and we kind of just got into it and went from there.

7     **MR. RACHAL:** And when was the company created?

8     **MR. HYMEL:** 2019.

9     **MR. RACHAL:** And what is the company's organizational structure?

10    **MR. HYMEL:** Managing members, sales, dispatchers, and drivers.

11    **MR. RACHAL:** And what is the company's business structure?

12    **MR. HYMEL:** LLC.

13    **MR. RACHAL:** And what is the ownership structure of the company?

14    **MR. HYMEL:** Fifty-fifty partnership.

15    **MR. RACHAL:** And who is the other partner with you?

16    **MR. HYMEL:** He's not with me, Jonathan Pinell.

17    **MR. RACHAL:** And are there any holding companies in the company's  
18    ownership structure?

19    **MR. HYMEL:** No, sir.

20    **MR. RACHAL:** And who are the officers of the company?

21    **MR. HYMEL:** Johnathan Pinell and me, Kevin Hymel.

22    **MR. RACHAL:** And what services does the company currently provide?

23    **MR. HYMEL:** C&D waste.

1     **MR. RACHAL:** And what is that exactly? Can you explain that for us?

2     **MR. HYMEL:** Construction debris.

3     **MR. RACHAL:** And where does the company provide its services and does the  
4     company operate in any other states?

5     **MR. HYMEL:** Just Louisiana.

6     **MR. RACHAL:** Statewide?

7     **MR. HYMEL:** No. Just locally now. I guess we call it the tri-parish area.  
8     [INAUDIBLE] within probably a hour vicinity.

9     **MR. RACHAL:** And what, if any, are the company's current operations in  
10    Louisiana?

11    **MR. HYMEL:** Say that again. I'm sorry.

12    **MR. RACHAL:** You said tri-parish. What parishes can you give us?

13    **MR. HYMEL:** Lafourche, Terrebonne, I mean. We try to stay within a radius of  
14    within in about a hour, hour and a half, right now, I guess you would say.

15    **MR. RACHAL:** And how many terminals does the company currently operate in  
16    total?

17    **MR. HYMEL:** One.

18    **MR. RACHAL:** And where is the company's current terminal located?

19    **MR. HYMEL:** 901 Saint Patrick Street, Thibodaux, Louisiana.

20    **MR. RACHAL:** And are the company's trucks dispatched from this location?

21    **MR. HYMEL:** Yes, sir.

22    **MR. RACHAL:** And does the company own or lease its terminal in Louisiana?

23    **MR. HYMEL:** We lease it.

1     **MR. RACHAL:** Who does the company lease its terminal from?

2     **MR. HYMEL:** Thibodaux Lumber. I don't know if they're a LLC or Inc. There's

3     a local company there.

4     **MR. RACHAL:** And does the company have any plans for operating from

5     additional terminals in Louisiana?

6     **MR. HYMEL:** No, sir.

7     **MR. RACHAL:** And for which waste generators does the company currently

8     work?

9     **MR. HYMEL:** Basically, right now, we're normally working for residential and

10    commercial contractors.

11    **MR. RACHAL:** And is the company seeking additional waste disposal contracts

12    in Louisiana?

13    **MR. HYMEL:** Yes.

14    **MR. RACHAL:** And which waste disposal facilities will the company utilize in

15    Louisiana?

16    **MR. HYMEL:** Right now, we're using Kb Enterprises, River Birch Landfill and

17    Ashland Landfill.

18    **MR. RACHAL:** And approximately how many total employees does the company

19    have?

20    **MR. HYMEL:** Eight.

21    **MR. RACHAL:** And approximately how many of the company's -- how many of

22    the company's employees work in Louisiana?

23    **MR. HYMEL:** All of them.

1     **MR. RACHAL:** And how many drivers does the company have?

2     **MR. HYMEL:** Three.

3     **MR. RACHAL:** And do all these drivers reside and work in Louisiana?

4     **MR. HYMEL:** Yes, sir.

5     **MR. RACHAL:** Does the company anticipate hiring any additional employees in

6     Louisiana if the application is granted?

7     **MR. HYMEL:** A possibility, yes.

8     **MR. RACHAL:** Is there anything else you would like to say about the company

9     before we move on?

10    **MR. HYMEL:** No, sir.

11    **MR. RACHAL:** All right. Can you turn your attention to the document that's

12    been labeled Exhibit A? It's not labeled yet, Your Honor. Are you familiar with

13    this document?

14    **MR. HYMEL:** Yes.

15    **MR. RACHAL:** Did you or someone at your direction prepare and file this

16    application on behalf of the company with the Commission?

17    **MR. HYMEL:** Yes.

18    **MR. RACHAL:** And did an authorized representative of the company swear that

19    he or she had read the application, was familiar with its contents, and attested that

20    the facts, as stated therein, were true and correct to the best of his or her knowledge?

21    **MR. HYMEL:** Yes.

22    **MR. RACHAL:** And is that your signature on the last page of the application?

23    **MR. HYMEL:** Yes, sir.

1   **MR. RACHAL:** To your knowledge, is the information contained in the  
2   company's application still true and accurate as of today?

3   **MR. HYMEL:** Yes, sir.

4   **MR. RACHAL:** And what types of waste does the applicant seek authority to  
5   haul?

6   **MR. HYMEL:** We are looking for hazardous oilfield waste, non-hazardous  
7   industrial solid waste, and hazardous waste for disposal, statewide.

8   **MR. RACHAL:** And to your knowledge, was the application published in the  
9   Louisiana Public Service Commission's Official Bulletin?

10   **MR. HYMEL:** Yes, sir.

11   **MR. RACHAL:** And were there any protests or interventions against this  
12   application?

13   **MR. HYMEL:** No, sir.

14   **MR. RACHAL:** Can you -- I'm going to go through the application with you.  
15   Can you flip to -- will you please turn to Page 8 of the application? You there?

16   **MR. HYMEL:** Yeah, I'm there. I'm sorry.

17   **MR. RACHAL:** Can you tell us what this document is and what it shows?

18   **MR. HYMEL:** A name change addendum.

19   **MR. RACHAL:** And what was the old name?

20   **MR. HYMEL:** Old name was Yellowfin Rental Tools LLC.

21   **MR. RACHAL:** And what's the new name now?

22   **MR. HYMEL:** Yellowfin Energy Solution, LLC.

23   **MR. RACHAL:** And why was there a change?



1     **MR. HYMEL:** We was looking to go into other ventures, but we never really  
2     pursued them.

3     **MR. RACHAL:** Can you go to the next page?

4     **MR. HYMEL:** Page 9?

5     **MR. RACHAL:** Yes, sir.

6     **MR. HYMEL:** Okay.

7     **MR. RACHAL:** And can you identify this document as well?

8     **MR. HYMEL:** Name change addendum.

9     **MR. RACHAL:** And what was -- what does this show? Or what was the old  
10    name?

11    **MR. HYMEL:** Yellowfin Energy Solution.

12    **MR. RACHAL:** And what is the new name?

13    **MR. HYMEL:** Yellowfin Waste & Environmental.

14    **MR. RACHAL:** And why did y'all change this -- what was the reason for this  
15    name change?

16    **MR. HYMEL:** The name change was, like I said previously, we started these other  
17    companies and we never did anything with them. We was trying to look, seek other  
18    ventures and we never did, and I guess at the time, we was looking to proceed with  
19    Yellowfin Waste. The only thing we could do was get a name change, not a new  
20    company, because I think the government shut down at that time.

21    **MR. RACHAL:** Okay.

22    **MR. HYMEL:** That's why we just use that same federal ID number.

23    **MR. RACHAL:** Turn to Page 11.

1     **MR. HYMEL:** Okay.

2     **MR. RACHAL:** Can you identify this document?

3     **MR. HYMEL:** It's the Secretary of State certificate of filing for Yellowfin.

4     **MR. RACHAL:** And is there a date on this certificate?

5     **MR. HYMEL:** Yes.

6     **MR. RACHAL:** For the court -- for the record, can you tell us the date?

7     **MR. HYMEL:** 5/27/2015, when an effective date is the same.

8     **MR. RACHAL:** And is there a date on the left-bottom corner?

9     **MR. HYMEL:** Yes. January 29, 2024.

10    **MR. RACHAL:** To your knowledge, is the company in good standing?

11    **MR. HYMEL:** Yes.

12    **MR. RACHAL:** And can you turn to the next page?

13    **MR. HYMEL:** Page 12? Page 11? I'm sorry.

14    **MR. RACHAL:** Can you tell us what this document is?

15    **MR. HYMEL:** There's a Secretary of State --

16    **MR. RACHAL:** It's after the Secretary of State.

17    **MR. HYMEL:** I'm just making sure I'm on the right --

18    **MR. RACHAL:** I'm sorry. Your Honor, may I approach?

19    **JUDGE FREY:** Yes, you may.

20    **MR. RACHAL:** Thank you. Can you identify that document for us?

21    **MR. HYMEL:** That is Yellowfin's operating structure.

22    **MR. RACHAL:** And can you go to the list and let us -- identify who the people

23    are and what they do at Yellowfin?

1   **MR. HYMEL:** Kevin Hymel, managing member; Johnny Pinell, managing  
2   member; Kerry Bueche, sales; Lisa Badare, dispatch; Kristy Avery, dispatch; Eric  
3   Smith, driver; Londell Carter, driver. And in reviewing this, we did leave out one  
4   of our drivers when this was submitted. We have a Wesley Blackledge that is a  
5   driver.

6   **MR. RACHAL:** What was the last name again?

7   **MR. HYMEL:** Blackledge. B-L-A-C-K-L-E-D-G-E.

8   **MR. RACHAL:** Okay. And who is the company's registered agent for service of  
9   process?

10   **MR. HYMEL:** That would be me.

11   **MR. RACHAL:** And who is the company's contact for the Louisiana Public  
12   Service Commission?

13   **MR. HYMEL:** It's going to be me and Kerry.

14   **MR. RACHAL:** And does the company currently hold any waste hauling  
15   authorizations from the Louisiana Public Service Commission?

16   **MR. HYMEL:** Yes.

17   **MR. RACHAL:** What kind of -- what other authorizations does the company  
18   have?

19   **MR. HYMEL:** The Transporter ID.

20   **MR. RACHAL:** That's from D -- what company or what agency is that from?

21   **MR. HYMEL:** From Yellowfin Waste. We just recently received that.

22   **MR. RACHAL:** But it's not from the Louisiana Public Service Commission. Is  
23   that another state agency that's provided that for Yellowfin?

1     **MR. HYMEL:** Oh yeah. You're right, yeah. I'm confused. I'm sorry. I don't  
2     remember what agent supported this, the DEQ that actually gave us this. I'm sorry.

3     **MR. RACHAL:** No.

4     **MR. HYMEL:** I thought y'all was kind of all tied in together a little bit.

5     **MR. RACHAL:** Can you turn to the next page of the application? After the  
6     organizational structure? The page where you listed all the employees and what  
7     they do, that next page.

8     **MR. HYMEL:** Okay. The operating structure?

9     **MR. RACHAL:** Yeah. After the operating structure, the next page.

10    **MR. HYMEL:** Okay.

11    **MR. RACHAL:** Can you identify this document?

12    **MR. HYMEL:** That's our list of trucks. Truck list, I guess you would say. It's  
13    our equipment -- it's not all of our equipment, but it's our equipment that we -- I  
14    call it our truck list, equipment list. But that's not all our equipment listed,  
15    considering like our dumpsters and stuff like that.

16    **MR. RACHAL:** How many trucks -- approximately how many trucks, including  
17    make and model, does the applicant use?

18    **MR. HYMEL:** Five.

19    **MR. RACHAL:** And what general types of trucks does the applicant currently  
20    use?

21    **MR. HYMEL:** Kenworth T-880 is the most of our fleet, but we have one T-8.  
22    Which is one T-800, which I see on this paper is incorrect for 2006, it's actually a  
23    T-800.

1     **MR. RACHAL:** Are they, like, straight trucks or trailers?

2     **MR. HYMEL:** Yeah.

3     **MR. RACHAL:** Are the years, makes, models, and vehicle identification  
4     numbers, and descriptions of the applicant's trucks listed in the application  
5     complete and correct?

6     **MR. HYMEL:** Everything's correct, but the VIN numbers are not on here. We  
7     have the license plate number, but not the VINs.

8     **MR. RACHAL:** I see the VINs not on there. And approximately how many  
9     trailers does the applicant currently use?

10    **MR. HYMEL:** None.

11    **MR. RACHAL:** And does the company plan on adding any trucks and trailers to  
12    use in Louisiana?

13    **MR. HYMEL:** Not as right now, possibility.

14    **MR. RACHAL:** And does the company currently own or lease the trucks for use  
15    in Louisiana?

16    **MR. HYMEL:** We own. Owned and bank owned.

17    **MR. RACHAL:** I was going to say, is there any encumbrances on any of the  
18    trucks?

19    **MR. HYMEL:** No.

20    **MR. RACHAL:** Are the trucks financed?

21    **MR. HYMEL:** Yeah.

22    **MR. RACHAL:** Through?

23    **MR. HYMEL:** They just changed. I can't answer that right off the top of my head.

1     **MR. RACHAL:** Does the applicant plan to utilize owner-operators under lease?

2     **MR. HYMEL:** Can you repeat that question, please?

3     **MR. RACHAL:** Does the applicant plan to utilize owner-operators under lease?

4     **MR. HYMEL:** No.

5     **MR. RACHAL:** You understand that future leases much be filed with the

6     Louisiana Public Service Commission?

7     **MR. HYMEL:** Yes, sir.

8     **MR. RACHAL:** And what is the maintenance schedule for the company's

9     equipment?

10    **MR. HYMEL:** Pre- and post-trip inspections.

11    **MR. RACHAL:** Is there a weekly inspection?

12    **MR. HYMEL:** Daily inspections for drivers and weekly for other staff.

13    **MR. RACHAL:** You might have answered this, but does the company -- the

14    company conducts pre-trip and post-trip inspections of the equipment?

15    **MR. HYMEL:** Yes, yes.

16    **MR. RACHAL:** Okay. And how does the company document equipment

17    maintenance?

18    **MR. HYMEL:** The equipment is actually documented through our pre- and post-

19    trips, and also through, I guess, if it goes through, like, our service repair people,

20    it's on file. We keep like a history of everything as far as invoices and maintenance

21    and stuff like that for every truck.

22    **MR. RACHAL:** And who conducts the maintenance on the company's

23    equipment?

1   **MR. HYMEL:** It would be drivers, also Rampage Services out of Houma,  
2   Louisiana, and also, Kenworth of Louisiana.

3   **MR. RACHAL:** So it's both in-house and third-party?

4   **MR. HYMEL:** It's mostly out-house. I mean, we pretty much -- we do look at it,  
5   even though after the other people do work on it, we do put our eyes on it. You  
6   know, sometimes you can bring these trucks to the shop and they say it's fixed and  
7   it's not.

8   **MR. RACHAL:** Is the vehicle -- are the vehicles and equipment in good working  
9   order?

10   **MR. HYMEL:** Yes, sir.

11   **MR. RACHAL:** And do the company's trucks have functioning global positioning  
12   systems or GPSs?

13   **MR. HYMEL:** Yes, sir.

14   **MR. RACHAL:** Does the company's truck have working cameras?

15   **MR. HYMEL:** No, sir.

16   **MR. RACHAL:** Does the company plan to install cameras in the trucks in the  
17   future?

18   **MR. HYMEL:** Yes, sir.

19   **MR. RACHAL:** And are the company's trucks governed to a certain speed?

20   **MR. HYMEL:** Yes, sir. I think its manufacturer govern it to 74, 75 miles an hour.

21   **MR. RACHAL:** Can you turn to the last three pages of the application?

22   **MR. HYMEL:** And we're still on Exhibit A, right?

23   **MR. RACHAL:** Yeah. Yes, sir.

1     **MR. HYMEL:** And it should be the articles of organization?

2     **MR. RACHAL:** Your Honor, may I approach?

3     **JUDGE FREY:** You may.

4     **MR. RACHAL:** Can you identify this document?

5     **MR. HYMEL:** Liability insurance.

6     **MR. RACHAL:** And what does this document show?

7     **MR. HYMEL:** Current liability and workman's comp.

8     **MR. RACHAL:** Are you talking about the commercial general liability?

9     **MR. HYMEL:** Commercial general liability and workman's comp for the  
10    company.

11    **MR. RACHAL:** Next page, turn to the next page, please.

12    **MR. HYMEL:** Yes, sir.

13    **MR. RACHAL:** And what does this show?

14    **MR. HYMEL:** This is our truck insurance, which is our combined single limit  
15    policy of 300,000.

16    **MR. RACHAL:** And does this insurance cover all the applicant's equipment and  
17    drivers?

18    **MR. HYMEL:** Yes.

19    **MR. RACHAL:** And according to this document, when was the company's  
20    insurance policy last renewed?

21    **MR. HYMEL:** Should be July 11, 2023.

22    **MR. RACHAL:** Look in there again. Look at the middle part of that document  
23    where the automobile liability is. I think it -- what's the effective date?



1     **MR. HYMEL:** I'm looking for it.

2     **MR. RACHAL:** It's right in the middle of that second page. Is July 29<sup>th</sup>?

3     **MR. HYMEL:** Okay. I'm sorry. It's July 29, yeah, 2023.

4     **MR. RACHAL:** And when will the company's insurance policy next expire?

5     **MR. HYMEL:** July 29, 2024. I'm sorry. It was a little blurry on my part.

6     **MR. RACHAL:** Will the company renew its insurance policy before the next

7     expiration date and before every subsequent expiration date?

8     **MR. HYMEL:** Yes.

9     **MR. RACHAL:** Do you currently have insurance that meets LPSC's insurance

10    requirement?

11    **MR. HYMEL:** No.

12    **MR. RACHAL:** And do you understand the minimum required insurance is

13    510,000 for a combined single limit and a Form E is required to reflect the 510,000?

14    **MR. HYMEL:** Yes, sir.

15    **MR. RACHAL:** Do you believe Yellowfin satisfies all the requirements to operate

16    the authority that may be granted?

17    **MR. HYMEL:** I believe so, but I know we need to upgrade our insurance.

18    **MR. RACHAL:** Okay. Can you turn to the last page of the insurance, third page?

19    **MR. HYMEL:** That's still in Exhibit A, correct? The last page of Exhibit A?

20    **MR. RACHAL:** Yes, sir. And it has the -- you know what this document shows

21    or what it tells us?

1   **MR. HYMEL:** It shows us our medical payments, uninsured motorist property  
2   damage, collision compensation of medical payments, collision compensation of  
3   all trucks.

4   **MR. RACHAL:** Does it list a description of all the vehicles?

5   **MR. HYMEL:** Yes, sir.

6   **MR. RACHAL:** Is that including the VIN number as well?

7   **MR. HYMEL:** Yes, sir.

8   **MR. RACHAL:** And do you believe Yellowfin satisfies all the requirements to  
9   operate the authority that may be granted under a certificate from Louisiana Public  
10   Service Commission?

11   **MR. HYMEL:** Yes, I do. But I know we need to upgrade our insurances.

12   **MR. RACHAL:** Is there anything else you wish to testify to regarding Yellowfin's  
13   waste hauling application?

14   **MR. HYMEL:** I'm sorry. Can you please repeat that, please?

15   **MR. RACHAL:** Is there anything else you wish to testify to regarding Yellowfin's  
16   waste hauling application?

17   **MR. HYMEL:** No, sir.

18   **MR. RACHAL:** And do you wish to offer, file and introduce into evidence what's  
19   --

20   **MR. HYMEL:** Yes.

21   **MR. RACHAL:** -- the applicant's public application?

22   **MR. HYMEL:** Yeah.

1     **MR. RACHAL:** It's going to be Exhibit A, Your Honor. I know the label's not  
2     on there. It'll be Exhibit A.

3     **JUDGE FREY:** Thank you. And is it the company's desire to admit this as  
4     Applicant's Exhibit A?

5     **MR. HYMEL:** Yes, ma'am.

6     **JUDGE FREY:** All right. Applicant's Exhibit A, the waste by motor vehicle  
7     application and attachments -- public attachments, thereto, excluding the safety  
8     manual; would that be correct?

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

10    **JUDGE FREY:** The safety manual is not part of this?

11    **MR. RACHAL:** And the financials is a separate exhibit as well.

12    **JUDGE FREY:** Correct. And those are confidential?

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

14    **JUDGE FREY:** The public attachments excluding the safety manual? All right.  
15    So Applicant's Exhibit A, the waste by motor vehicle application submitted to the  
16    Commission and received March 1, 2024, with public attachments, excluding the  
17    safety manual, is admitted as Applicant's Exhibit A, in globo.

18    **MR. RACHAL:** Thank you, Your Honor. Mr. Hymel, do you wish -- do you  
19    request that all numerical and quantitative figures regarding the company's  
20    financials be redacted from the public version of the transcript of this hearing?

21    **MR. HYMEL:** Yes, sir.

22    **MR. RACHAL:** Can you please give a brief overview of the company's current  
23    financial picture?

1   **MR. HYMEL:** The company's revenue is a source of dumpster rentals, major,  
2   expensive landfill fees, fuel expense, and repair and maintenance on trucks.

3   **MR. RACHAL:** And can you tell us how the company is financed?

4   **MR. HYMEL:** We have -- some trucks are financed through banks, as far as  
5   financials on the trucks, but as far as the company, itself, it's financed by money  
6   collected from dumpsters that we rent.

7   **MR. RACHAL:** And did the company prepare audits of the company's financial  
8   statements?

9   **MR. HYMEL:** No.

10   **MR. RACHAL:** All right. Can you turn to the next -- turn your attention to the  
11   next document? It hasn't been labeled or anything, but the next document after the  
12   application.

13   **MR. HYMEL:** Okay.

14   **MR. RACHAL:** According to this document, what were the total assets of  
15   Yellowfin in 2022?

16   **MR. HYMEL:** [REDACTED].

17   **MR. RACHAL:** Can you tell us what this document is before we get into it?

18   **MR. HYMEL:** This is our balance sheet.

19   **MR. RACHAL:** Your Honor, may I approach, please?

20   **JUDGE FREY:** You may.

21   **MR. RACHAL:** What were the total assets of Yellowfin?

1     **JUDGE FREY:** Why don't -- excuse me, I hate to jump in. Why don't we get the  
2     witness to identify the documents that we are looking at, so we're all on the same  
3     page as to what we're looking at, and then ask him specific questions about them.  
4     **MR. RACHAL:** Okay. Can you tell us what this document is?  
5     **MR. HYMEL:** Profit and loss statement.  
6     **MR. RACHAL:** For what year?  
7     **MR. HYMEL:** 2023. We gave y'all '22 and '23, so I don't know.  
8     **MR. RACHAL:** That's not -- it's 2022 or '23?  
9     **MR. HYMEL:** I got '23 on my paperwork. I have '22 would be the next one. Do  
10    I have them backwards?  
11    **MR. RACHAL:** No, it's fine.  
12    **MR. HYMEL:** Okay. Which one you want me to --  
13    **MR. RACHAL:** The one that's -- the one you're looking at.  
14    **MR. HYMEL:** '23.  
15    **MR. RACHAL:** And what were the total assets in the year 2023? Revenues? Can  
16    you tell us what the total income was?  
17    **MR. HYMEL:** [REDACTED].  
18    **MR. RACHAL:** And can you tell us the total liability? Expenses? I'm sorry  
19    **MR. HYMEL:** Expenses, yeah. Okay. [REDACTED].  
20    **MR. RACHAL:** Now, you can go to the 2022.  
21    **MR. HYMEL:** 2022 profit and loss?  
22    **MR. RACHAL:** Yes.  
23    **MR. HYMEL:** Okay.

1     **JUDGE FREY:** Also, I'd just like to remind the parties, just because we're  
2     transcribing and we want to make sure we get everything clearly for the record, we  
3     want to try not to talk over each other. So either let's let the council finish asking  
4     the questions before you try to answer and vice versa. Let the witness answer before  
5     we ask another question, so we can make sure we don't have any confusion on the  
6     transcript.

7     **MR. HYMEL:** Okay. Sorry about that.

8     **JUDGE FREY:** No, thank you.

9     **MR. RACHAL:** Can you tell us a total income from 2022?

10    **MR. HYMEL:** [REDACTED].

11    **MR. RACHAL:** And expenses?

12    **MR. HYMEL:** Total expenses is [REDACTED].

13    **MR. RACHAL:** All right. Can you go to the next page? Tell us what that  
14    document is.

15    **MR. HYMEL:** I have a balance sheet as of December 31, '22.

16    **MR. RACHAL:** And what were the total assets?

17    **MR. HYMEL:** [REDACTED].

18    **MR. RACHAL:** And the total liabilities?

19    **MR. HYMEL:** [REDACTED].

20    **MR. RACHAL:** And then a total equity? Turn to the next page.

21    **MR. HYMEL:** [REDACTED].

22    **MR. RACHAL:** Go to the next page after -- okay. Now, go to the next document.  
23    Can you tell us what this next document is?

1     **MR. HYMEL:** I have the balance sheet of December 31, 2023.

2     **MR. RACHAL:** And can you tell us the total assets for that?

3     **MR. HYMEL:** [REDACTED].

4     **MR. RACHAL:** And can you tell us the total liabilities?

5     **MR. HYMEL:** [REDACTED].

6     **MR. RACHAL:** And then can you give us the equity -- total equity?

7     **MR. HYMEL:** [REDACTED].

8     **MR. RACHAL:** And how is the company doing so far in 2024?

9     **MR. HYMEL:** '24, I find we a growing company. Trying to -- we are steady, I

10    guess -- I'm kind of stuck, hold on. We are gaining revenue and stuff like that. The

11    company is growing, I guess, because of the profit we are making.

12    **MR. RACHAL:** Do you wish to offer, file and introduce into evidence, under seal,

13    pursuant to Rule 12.1 of the Commission's rules of practices and procedures, what

14    has been -- is the applicant's financial statements for the years 2022 and 2023, in

15    globo?

16    **MR. HYMEL:** Yes, sir.

17    **MR. RACHAL:** Your Honor, this will be Exhibit B, in globo.

18    **JUDGE FREY:** Applicant's Exhibit B, Yellowfin Waste & Environmental, LLC

19    profit and loss January through December '22, and also the profit and loss January

20    through December 2023, and the balance sheet as of December 31, 2022, and the

21    balance sheet as of December 31, 2023, will be admitted as Applicant's Exhibit B,

22    in globo. And do you wish to admit this confidentially, under seal, so that this is

23    redacted from the public record of this proceeding?

1     **MR. HYMEL:** Yes, ma'am.

2     **JUDGE FREY:** It's so admitted, and as requested, any of the figures discussed

3     during the financial statements will be redacted from the public transcript of this

4     proceeding.

5     **MR. HYMEL:** Okay.

6     **MR. RACHAL:** Thank you, Your Honor.

7     **MR. HYMEL:** Thank you.

8     **MR. RACHAL:** According to the company's financial statements, does the

9     company have a positive or negative net income?

10    **MR. HYMEL:** Positive.

11    **MR. RACHAL:** And based upon the company's financial statements, does the

12    company appear to be financially stable and sustainable?

13    **MR. HYMEL:** Yes, sir.

14    **MR. RACHAL:** Has the company had issues making payroll in the past?

15    **MR. HYMEL:** No, sir.

16    **MR. RACHAL:** Can you please describe the company's income sources?

17    **MR. HYMEL:** I guess the customers who rent the dumpsters.

18    **MR. RACHAL:** And if this application is granted, how will it affect the

19    applicant's financial condition?

20    **MR. HYMEL:** This will allow us to seek more profitable industrial business.

21    **MR. RACHAL:** And are the owners able and willing to obtain and put capital into

22    the company if needed?

23    **MR. HYMEL:** Yes, sir.



1     **MR. RACHAL:** Are there any financial factors that would limit the applicant from  
2     providing safe and efficient transportation of waste?  
3     **MR. HYMEL:** No, sir.  
4     **MR. RACHAL:** Has the applicant ever filed for bankruptcy?  
5     **MR. HYMEL:** No, sir.  
6     **MR. RACHAL:** Is the applicant current on filing all of its state and federal tax  
7     returns?  
8     **MR. HYMEL:** Yes, sir.  
9     **MR. RACHAL:** Has the applicant been subject to any Internal Revenue Service  
10    audits?  
11    **MR. HYMEL:** Yes, sir.  
12    **MR. RACHAL:** Can you discuss the outcome of that?  
13    **MR. HYMEL:** It was another company of mine, my contracting company, Hymel  
14    Superior Contractors.  
15    **MR. RACHAL:** And when did that take place?  
16    **MR. HYMEL:** In 2018. I'm not a 100 percent on dates.  
17    **MR. RACHAL:** Has Yellowfin been audited by the IRS?  
18    **MR. HYMEL:** No, sir.  
19    **MR. RACHAL:** Okay. Has Yellowfin been subject to any state tax audits?  
20    **MR. HYMEL:** No.  
21    **MR. RACHAL:** Does the company have a close or a longstanding relationship  
22    with a bank or other financial institution?  
23    **MR. HYMEL:** Yes.

1    **MR. RACHAL:** Can you tell us what bank?

2    **MR. HYMEL:** We deal with South Louisiana Bank.

3    **MR. RACHAL:** And what type of business has the company transacted with this

4    financial institution?

5    **MR. HYMEL:** Financial loans.

6    **MR. RACHAL:** Are there any financial restrictions that would prohibit the

7    company from undertaking any work?

8    **MR. HYMEL:** No, sir.

9    **MR. RACHAL:** And are -- I might have asked this already as well, but are the

10   company trucks owned, leased, free and clear of any or all encumbrances?

11   **MR. HYMEL:** They're owned, and yes.

12   **MR. RACHAL:** If financing for company trucks were necessary, would the

13   company have any issues making timely payments under those financial

14   arrangements?

15   **MR. HYMEL:** No, sir.

16   **MR. RACHAL:** Can you turn your attention to the next exhibit?

17   **MR. HYMEL:** Okay.

18   **MR. RACHAL:** Are you familiar with these documents?

19   **MR. HYMEL:** Yes, sir.

20   **MR. RACHAL:** What are these documents?

21   **MR. HYMEL:** The first set of data requests.

22   **MR. RACHAL:** Are there any attachments to these responses?

23   **MR. HYMEL:** Yes.

1     **MR. RACHAL:** And these attachments were relevant and direct answers to Staff's  
2     requests?

3     **MR. HYMEL:** Yes, sir.

4     **MR. RACHAL:** And did you or an authorized representative of the company  
5     submit these responses to Staff?

6     **MR. HYMEL:** Yes, sir.

7     **MR. RACHAL:** And according to the documents, when were these responses  
8     submitted to Staff?

9     **MR. HYMEL:** March 20, 2024.

10    **MR. RACHAL:** And if we asked you the same questions on today, would the  
11    answers change?

12    **MR. HYMEL:** No, sir.

13    **MR. RACHAL:** Do you wish to file, offer and introduce into the record the first  
14    set of data requests to Yellowfin and your responses?

15    **MR. HYMEL:** Yes, sir.

16    **MR. HYMEL:** Your Honor, this would be Exhibit C, in globo.

17    **JUDGE FREY:** Mr. Hymel, is there anything in the responses to this first set of  
18    data requests that the company would deem confidential, like sensitive financial  
19    information or anything like that?

20    **MR. HYMEL:** Repeat that again. I'm sorry.

21    **JUDGE FREY:** In what is being proposed as Exhibit C and the responses to  
22    Exhibit C, did Yellowfin submit anything that it would be considered confidential  
23    that is part of this exhibit that we need to consider redacting from the public record?

1     **MR. HYMEL:** Not that I'm aware of.

2     **JUDGE FREY:** Applicant's Exhibit C, LPSC Staff's first set of data requests and  
3     Yellowfin's responses, thereto, including any attachments, is admitted as  
4     Applicant's Exhibit C, in globo.

5     **MR. RACHAL:** Thank you, Your Honor. Does the applicant have all the  
6     necessary authorizations, permits and licenses from state and federal agencies in  
7     order to exercise its authority to transport and dispose of the types of waste  
8     requested?

9     **MR. HYMEL:** Yes. And if we need to apply for anymore, we'd be willing to.

10    **MR. RACHAL:** Does the applicant have a valid United States Department of  
11    Transportation number and motor carrier number?

12    **MR. HYMEL:** Yes.

13    **MR. RACHAL:** Can you tell us the number of each, please?

14    **MR. HYMEL:** I have the DOT number, which is 3245834.

15    **MR. RACHAL:** Does the company -- the company does not have an MC number?

16    **MR. HYMEL:** No.

17    **MR. RACHAL:** Does the company have a valid Environmental Protection  
18    Agency identification number?

19    **MR. HYMEL:** Yes.

20    **MR. RACHAL:** Can you look -- can you turn to page -- the page in the data  
21    responses to Request Number 28? The first set.

22    **MR. HYMEL:** On the Exhibit C, 28?

23    **MR. RACHAL:** Yes, sir.

1   **MR. HYMEL:** Okay.

2   **MR. RACHAL:** And what is in that -- what is the response right there?

3   **MR. HYMEL:** It is stating that we need to have a DOT number and an MC number

4   issued.

5   **MR. RACHAL:** It doesn't list a number? Look at the response, the response to

6   Request Number 28.

7   **MR. HYMEL:** I don't have no request -- no numbers on here.

8   **MR. RACHAL:** Your Honor, may I approach?

9   **JUDGE FREY:** You may.

10   **MR. RACHAL:** Can you please tell the court the numbers and what they are

11   referring to in that response?

12   **MR. HYMEL:** So my DOT Number is 3245834 and my LDEQ Transportation ID

13   Number is T057-14765.

14   **MR. RACHAL:** Does the applicant have valid permits from the Louisiana

15   Department of Environmental Quality for the transportation of non-hazardous

16   industrial -- okay. You just --

17   **MR. HYMEL:** We'd be willing to apply.

18   **MR. RACHAL:** Does the company hold any additional authorizations, permits,

19   or licenses?

20   **MR. HYMEL:** No, sir.

21   **MR. RACHAL:** Okay. Can you turn your attention to the next exhibit?

22   **MR. HYMEL:** Okay.

23   **MR. RACHAL:** Are you familiar with these documents?

1     **MR. HYMEL:** Yes, sir.

2     **MR. RACHAL:** And what are these documents?

3     **MR. HYMEL:** It's the second set of data requests.

4     **MR. RACHAL:** And are there attachments to these responses?

5     **MR. HYMEL:** Yes, sir.

6     **MR. RACHAL:** And are these attachments -- and these attachments were relevant  
7     and direct answers to Staff's requests?

8     **MR. HYMEL:** Yes.

9     **MR. RACHAL:** And did you or an authorized representative of the company  
10    submit these responses to Staff?

11    **MR. HYMEL:** Yes.

12    **MR. RACHAL:** And according the documents, when were these responses  
13    submitted to Staff?

14    **MR. HYMEL:** These were submitted --

15    **MR. RACHAL:** You could look at the very last page of the document.

16    **MR. HYMEL:** Should be April 1, 2024.

17    **MR. RACHAL:** And if we asked you the same questions on today, would the  
18    answers change?

19    **MR. HYMEL:** No, sir.

20    **MR. RACHAL:** Do you wish to offer, file and introduce into the record Staff's  
21    second set of data requests to Yellowfin and your responses?

22    **MR. HYMEL:** Yes.

23    **MR. RACHAL:** Your Honor, this will be Exhibit D, in globo.

1     **JUDGE FREY:** Applicant's Exhibit D, LPSC Staff's second of data requests to  
2     Yellowfin Waste & Environmental, LLC and Yellowfin's responses, thereto, are  
3     admitted as Applicant's Exhibit D, in globo.

4     **MR. RACHAL:** Thank you, Your Honor. If the application is granted, does the  
5     applicant intend to comply with all the rules and regulations of the LPSC?

6     **MR. HYMEL:** Repeat that, please.

7     **MR. RACHAL:** If the application is granted, does the applicant intend to comply  
8     with all the rules and regulations of the Louisiana Public Service Commission?

9     **MR. HYMEL:** Yes, sir.

10    **MR. RACHAL:** Is the applicant aware of the LPSC's requirement to maintain  
11    insurance on file at all times with the Commission by filing a Form E?

12    **MR. HYMEL:** Yes, sir.

13    **MR. RACHAL:** Is the applicant aware that the applicant must still file a Form E  
14    with the Commission if it obtains another underwriter for its insurance policies?

15    **MR. HYMEL:** Yes, sir.

16    **MR. RACHAL:** Is the applicant aware of the LPSC's requirement to seek and  
17    obtain prior approval to sell, transfer, lease, merge or encumber a certificate?

18    **MR. HYMEL:** Yes, sir.

19    **MR. RACHAL:** Is the applicant aware of the Louisiana Public Service  
20    Commission's requirement that the company must apply for and receive prior  
21    approval before any changes to the direct or indirect ownership of the company or  
22    any changes or transfers of shares of stock interest can take effect?

23    **MR. HYMEL:** Yes, sir.

1   **MR. RACHAL:** Is the applicant aware of the LPSC's requirement to keep all  
2   contact information up to date?  
3   **MR. HYMEL:** Yes, sir.  
4   **MR. RACHAL:** Is the applicant aware of the LPSC's requirement to renew and  
5   register vehicles every year?  
6   **MR. HYMEL:** Yes, sir.  
7   **MR. RACHAL:** Is the applicant aware of the LPSC's requirement to file annual  
8   reports?  
9   **MR. HYMEL:** Yes, sir.  
10   **MR. RACHAL:** Can you confirm that the applicant's reporting year is from  
11   January 1<sup>st</sup> to December 31<sup>st</sup>?  
12   **MR. HYMEL:** Yes, sir.  
13   **MR. RACHAL:** A calendar year?  
14   **MR. HYMEL:** Yeah.  
15   **MR. RACHAL:** Is the applicant aware that the applicant is required to file  
16   inspection and supervision fee reports with the Louisiana Department of Revenue?  
17   **MR. HYMEL:** Yes, sir.  
18   **MR. RACHAL:** Is the applicant aware that the applicant is required to pay  
19   inspection and supervision fees based on jurisdictional revenue to the Louisiana  
20   Department of Revenue?  
21   **MR. HYMEL:** Yes, sir.  
22   **MR. RACHAL:** And who would be the applicant's point of contact for the LPSC?  
23   **MR. HYMEL:** That's going to be Mr. Kerry Bueche and me, Kevin Hymel.



1   **MR. RACHAL:** Is there anything else you would wish to add to your testimony  
2   today?

3   **MR. HYMEL:** No, sir.

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

5   **JUDGE FREY:** Thank you, Mr. Rachal. Mr. Hymel, I do have a few questions,  
6   just to make sure we get a complete record.

7   **MR. HYMEL:** Okay.

8   **JUDGE FREY:** If I repeat some information back to you in my question and what  
9   I say is not correct, please correct me. I may ask questions based on things that I  
10   heard or I think I heard, but if I repeat it back incorrectly, set me straight.

11   **MR. HYMEL:** Okay.

12   **JUDGE FREY:** All right. Just give me a little bit about your background and how  
13   you got into Yellowfin Waste & Environmental.

14   **MR. HYMEL:** My background is actually in construction. I've been in  
15   construction on my own for 27 years. We became a sub-contractor, a residential  
16   contractor, then a general commercial contractor. And then we got into yellow face  
17   -- Yellowfin, I'm sorry, excuse me -- Yellowfin, being a need of some of our  
18   contractors we were working for, some of the services wasn't being provided on  
19   timely manner and we felt that we can do that for them and that's what we've done.

20   **JUDGE FREY:** All right. And so just so I understand, kind of big picture, what  
21   is it that Yellowfin Waste & Environmental does?

22   **MR. HYMEL:** Construction debris. C&D debris for general contractors and  
23   residential contractors.

1     **JUDGE FREY:** Okay. So y'all put like dumpster boxes at --

2     **MR. HYMEL:** New construction, commercial projects, stuff like that.

3     **JUDGE FREY:** Roll on, roll off?

4     **MR. HYMEL:** Yes, ma'am.

5     **JUDGE FREY:** So y'all haul those away and dispose of that construction waste?

6     **MR. HYMEL:** Yes, ma'am.

7     **JUDGE FREY:** And have you been with Yellowfin since it was formed?

8     **MR. HYMEL:** Yeah.

9     **JUDGE FREY:** And when was Yellowfin formed, again?

10    **MR. HYMEL:** Technically in 2019, but the previous addendums on the

11    paperwork show that it started in '15. So I think, by law, I think it goes by '15 since

12    we had name changes and there was name changes, but we actually started

13    Yellowfin in 2019.

14    **JUDGE FREY:** Okay. I want to -- I kind of want to make sure I understand, so

15    initially it was Yellowfin Tools, correct?

16    **MR. HYMEL:** Right, correct.

17    **JUDGE FREY:** And that was -- it was founded and registered with the Secretary

18    of State in 2015?

19    **MR. HYMEL:** Yes, ma'am.

20    **JUDGE FREY:** Then you changed the name --

21    **MR. HYMEL:** Yes, ma'am.

1     **JUDGE FREY:** Hang on. I'm going to find it just to make sure. Then the name  
2     was changed from Yellowfin Tools to Yellowfin Energy Solutions, LLC in 2016;  
3     is that correct?

4     **MR. HYMEL:** Correct.

5     **JUDGE FREY:** And then in 2019, the name was changed again from Yellowfin  
6     Energy Solutions, LLC to Yellowfin Waste & Environmental, LLC; is that correct?

7     **MR. HYMEL:** Correct.

8     **JUDGE FREY:** Okay. When did the entity, regardless of what the name was  
9     going by, when did it actually start business operations?

10    **MR. HYMEL:** 2019.

11    **JUDGE FREY:** Okay. I'm with you. Thank you.

12    **MR. HYMEL:** Okay. Thank you.

13    **JUDGE FREY:** And the applicant's, like, corporate office, headquarters; is that  
14    901 Saint Patrick Street?

15    **MR. HYMEL:** No. That's our, I think, we call it our warehousing spot.

16    **JUDGE FREY:** Okay.

17    **MR. HYMEL:** Our office is at 403 Saint Mary Street -- 403 A Saint Mary Street,  
18    Thibodaux, Louisiana.

19    **JUDGE FREY:** Thank you. And the terminal location, is that what you're calling  
20    --

21    **MR. HYMEL:** Yeah. 901 Saint Patrick Street.

22    **JUDGE FREY:** Thank you. And those are the only two offices -- that's the only  
23    office and terminal location that you currently have?

1     **MR. HYMEL:** Yes.

2     **JUDGE FREY:** So what is the reason for applying for the authority today with  
3     the PSC? How does that fit into the business plan?

4     **MR. HYMEL:** The business plan is we're at -- I guess, we're at our starting  
5     process of doing this to try to make the business more profitable and, you know, to  
6     get more into industrial waste. We're getting calls for that where we're turning it  
7     down.

8     **JUDGE FREY:** And you may have been asked and answered this and I apologize  
9     that I'm having you repeat, but do you anticipate the need to hire any additional  
10    employees or drivers if this authority is granted?

11    **MR. HYMEL:** I feel we do. Like I said, we're at our starting phases of this. I  
12    know we do have to go through all this paperwork, and procedures, and stuff like  
13    that, and see where we have to be up to par with, and I feel we're going to hire more  
14    staff that's going to help us pursue this venture.

15    **JUDGE FREY:** Thank you. You were asked about some insurance documents.  
16    Do you have those in front of you?

17    **MR. HYMEL:** No, ma'am. I don't.

18    **JUDGE FREY:** The ones I'm referring to were the last three pages of what was  
19    offered as Exhibit A, which is the application.

20    **MR. HYMEL:** Okay. Okay. You're on the first, second, third?

21    **JUDGE FREY:** I am on the first of the three pages and it is a certificate of liability  
22    insurance dated 9/25/2023. Do you see that document?

23    **MR. HYMEL:** Yes, ma'am.

1     **JUDGE FREY:** I believe you indicated this was the applicant's commercial  
2     liability and workers' comp insurance?  
3     **MR. HYMEL:** Yes, ma'am.  
4     **JUDGE FREY:** And this is your current insurance that you're carrying at this  
5     time, correct?  
6     **MR. HYMEL:** Yes, ma'am.  
7     **JUDGE FREY:** What is the insured that is listed on this certificate of liability  
8     insurance?  
9     **MR. HYMEL:** The insurer?  
10    **JUDGE FREY:** The insured.  
11    **MR. HYMEL:** Can you -- I don't understand what you're asking.  
12    **JUDGE FREY:** No, that's fine. There's a box in the top one third of the page that  
13    says insured, then it lists the company name.  
14    **MR. HYMEL:** Okay.  
15    **JUDGE FREY:** Do you see that?  
16    **MR. HYMEL:** Yeah. Like who's insured. Okay. It's Yellow Fin Waste &  
17    Environmental.  
18    **JUDGE FREY:** Is there a typographical error in this spelling of the company's  
19    name? Does it spell Yellowfin two words instead of one?  
20    **MR. HYMEL:** Yes, there is.  
21    **JUDGE FREY:** Okay. If the Commission's requirements were that insurance had  
22    to be in the exact legal spelling of the company's name, would the company take  
23    steps to ensure that when these policies are renewed and submitted to the

1 Commission, that the company's name is spelled correctly on all insurance  
2 documents?

3 **MR. HYMEL:** Yes, ma'am.

4 **JUDGE FREY:** And I believe Mr. Rachal discussed with you that both the  
5 commercial liability policy and the auto liability policies will expire in July 2024;  
6 is that correct?

7 **MR. HYMEL:** Yes.

8 **JUDGE FREY:** And that the company intends to renew these policies?

9 **MR. HYMEL:** Yes, ma'am.

10 **JUDGE FREY:** And the company also indicated that it's understanding that the  
11 limits do not currently meet the Commission's requirements and you -- that the  
12 company would address that issue with the insurance in connection with getting  
13 this certificate, if it is granted?

14 **MR. HYMEL:** Yes, ma'am.

15 **JUDGE FREY:** When asked about the company's finances -- do you recall some  
16 questions discussing the applicant's finances, Mr. Hymel?

17 **MR. HYMEL:** Yes, ma'am.

18 **JUDGE FREY:** You indicated that a company that you also own was subject to  
19 an audit.

20 **MR. HYMEL:** Yes, ma'am.

21 **JUDGE FREY:** But it is not the applicant, it's a totally separate company?

22 **MR. HYMEL:** Correct.

1     **JUDGE FREY:** Just for completeness of the record, what was the outcome of that  
2     tax audit for the other entity?

3     **MR. HYMEL:** They, I guess, looked at all the paperwork we submitted and we  
4     settled on an agreement and it's taken care of.

5     **JUDGE FREY:** Okay. So it's resolved?

6     **MR. HYMEL:** It's resolved, yeah.

7     **JUDGE FREY:** Thank you. You indicated that at the present time, the applicant's  
8     operating in a tri-parish area all within the state of Louisiana; is that correct?

9     **MR. HYMEL:** Yeah.

10    **JUDGE FREY:** Does the applicant plan to operate in any other states at this time?

11    **MR. HYMEL:** No, ma'am.

12    **JUDGE FREY:** And no present operations in other states?

13    **MR. HYMEL:** No, ma'am.

14    **JUDGE FREY:** Is the applicant in good standing with all state regulatory agencies  
15    under which it operates?

16    **MR. HYMEL:** Yes, ma'am. That I'm aware of.

17    **JUDGE FREY:** And I believe you indicated that you either have all the permits  
18    necessary to operate the Commission's certificate, if granted, or you will get any  
19    additional authority.

20    **MR. HYMEL:** We're willing to get any.

21    **JUDGE FREY:** With regard to the equipment list, do you remember discussing  
22    the truck list or the equipment list that was submitted as part of the application?

23    **MR. HYMEL:** Yes, ma'am.

1     **JUDGE FREY:** Do you have -- can you locate that in your packet?

2     **MR. HYMEL:** What exhibit that was under?

3     **JUDGE FREY:** It was part of Exhibit A in about the middle of the packet.

4     **MR. HYMEL:** And that was our list of trucks?

5     **JUDGE FREY:** Yes. That's the list I'm referring to.

6     **MR. HYMEL:** Okay.

7     **JUDGE FREY:** Is this the list of equipment that the applicant intends to use for

8     the transportation of the LPSC regulated waste if this certificate is granted?

9     **MR. HYMEL:** I will say yes. Not being we won't get any new vehicles, but as of

10    right now this is what we have.

11    **JUDGE FREY:** Thank you. And if all of this equipment is not presently on the

12    applicant's insurance, will the applicant make sure that any equipment used in the

13    transportation of regulated waste is covered under its insurance?

14    **MR. HYMEL:** As far as trucks or as far as all the equipment? Like, I guess,

15    dumpsters, you're referring to? That's really all we --

16    **JUDGE FREY:** Yeah. I would say whatever the legal requirements are for

17    insurance, will the applicant make sure that its insurance complies with LPSC's

18    requirements?

19    **MR. HYMEL:** Yes.

20    **JUDGE FREY:** You were asked about whether the applicant intended to utilize

21    owner-operators under lease. Do you recall that question?

22    **MR. HYMEL:** Yes.

23    **JUDGE FREY:** Do you recall your response?



1     **MR. HYMEL:** No, I don't.

2     **JUDGE FREY:** Do you know what owner-operators under lease, do you  
3     understand what that --

4     **MR. HYMEL:** Right. No, we're not doing that.

5     **JUDGE FREY:** Okay. So you don't plan to do that?

6     **MR. HYMEL:** No.

7     **JUDGE FREY:** And I believe Mr. Rachal asked you a question, I just did not  
8     catch your response. He asked if you do use owner-operators in the future, do you  
9     understand the requirement that those leases would need to be filed with the PSC.  
10    So if you do intend to use those in the future, do you understand that those leases  
11    would need to be filed with the Commission?

12    **MR. HYMEL:** Yes, ma'am.

13    **JUDGE FREY:** Thank you. Yellowfin does not currently have any other forms  
14    of authority from the Louisiana Public Service Commission; is that correct?

15    **MR. HYMEL:** No.

16    **JUDGE FREY:** Correct that you don't have any?

17    **MR. HYMEL:** I'm kind of confused on what the Transporter ID, if that's coming  
18    from the DEQ.

19    **JUDGE FREY:** I think the other certificate that might be at issue from the LPSC  
20    is a certificate to transport saltwater. Does the applicant currently have authority  
21    from the Louisiana Public Service Commission to transport saltwater?

22    **MR. HYMEL:** No, ma'am.

23    **JUDGE FREY:** Okay. Any pending application for that authority?

1     **MR. HYMEL:** For the saltwater?

2     **JUDGE FREY:** Yes.

3     **MR. HYMEL:** No.

4     **JUDGE FREY:** Does the applicant currently or is it willing to obtain all necessary

5     personnel, equipment, finances and authorities to transport waste in a safe, efficient

6     and LPSC compliant manner?

7     **MR. HYMEL:** Yes, ma'am.

8     **JUDGE FREY:** Thank you. I have no further questions. Following my questions,

9     is there anything that you would like to add with regard to the applicant's

10    application or to your testimony?

11    **MR. HYMEL:** No, ma'am.

12    **JUDGE FREY:** Thank you. Mr. Rachal, anything to follow up on?

13    **MR. RACHAL:** No, Your Honor.

14    **JUDGE FREY:** Thank you, Mr. Hymel. You may step down.

15    **MR. HYMEL:** Thank you.

16    **MR. RACHAL:** Your Honor, I'd like to call Mr. Kerry Bueche to the stand.

17    **Kerry Bueche came forth as a witness; and, after having been duly sworn,**

18    **testified as follows.**

19    **DIRECT EXAMINATION BY MR. PAUL RACHAL**

20    **MR. RACHAL:** Good afternoon, sir.

21    **MR. KERRY BUECHE:** Good afternoon.

22    **MR. RACHAL:** For the record, what is your full name?

23    **MR. BUECHE:** Kerry Paul Bueche.

1    **MR. RACHAL:** And by whom are you employed?

2    **MR. BUECHE:** Yellowfin Waste & Environmental, LLC.

3    **MR. RACHAL:** And what is your employer's business address?

4    **MR. BUECHE:** 403 A Saint Mary Street, Thibodaux, Louisiana 70301.

5    **MR. RACHAL:** And what is your role in the company?

6    **MR. BUECHE:** Outside sales.

7    **MR. RACHAL:** And what is your work history with the company?

8    **MR. BUECHE:** Been employed a little less than a year with Yellowfin.

9    **MR. RACHAL:** And how much experience do you have in the waste hauling

10   industry?

11   **MR. BUECHE:** Started in 2013, and I ran the operations for another roll off waste

12   company. Also, been in sales in multiple capacities and different companies since

13   then, so about 11 years.

14   **MR. RACHAL:** So that's when you started in this industry?

15   **MR. BUECHE:** Yes.

16   **MR. RACHAL:** And did you assist in the drafting and filing of Yellowfin's

17   application we are here for today?

18   **MR. BUECHE:** I did.

19   **MR. RACHAL:** Okay. Can you please describe the company's hiring process?

20   **MR. BUECHE:** Yes. So we based on -- well, first of all, we have a giant pool of

21   applicants, sort of, waiting on us all the time. There are lots of drivers and other

22   positions that are constantly sending us applications. So once we determine a need,

23   we will interview them, look for their experience, try to determine whether or not

1 they are a safe driver. We run MVRs, DOT background checks, criminal  
2 background checks. If we feel like it's a good fit, we will proceed with hiring them  
3 at that point.

4 **MR. RACHAL:** And does -- what hiring requirements are there for the company's  
5 drivers? Like does the company require a certain number of years' experience in  
6 commercial driving or waste hauling of its new drivers?

7 **MR. BUECHE:** We typically would not entertain interviewing them unless they  
8 have at least a year experience, but it's more than just experience, it's what type of  
9 experience they have. Is it specific to roll off trucks, you know, the waste industry?  
10 Do they know the area? Will they be a productive driver based on, you know, just  
11 the overall experience that they have?

12 **MR. RACHAL:** And does the company conduct driver training for less experience  
13 drivers?

14 **MR. BUECHE:** We do. We will put them on the road with an experienced driver.  
15 Try to get feedback based on what the experienced driver has to say. And again,  
16 just get a general feel for how comfortable they are and how they've done, you  
17 know, up to that point.

18 **MR. RACHAL:** And what licenses are required of the company's drivers?

19 **MR. BUECHE:** Minimum of Class A.

20 **MR. RACHAL:** And you might have already just answered this, but does the  
21 company conduct a criminal background check on every new employee?

22 **MR. BUECHE:** We do criminal background check and a MVR background check.

1   **MR. RACHAL:** So the company checks and verifies every new driver's motor  
2   vehicle record, correct?

3   **MR. BUECHE:** That's correct.

4   **MR. RACHAL:** Can you turn your attention to the next exhibit, which is also not  
5   labeled? Can you tell us what that document is?

6   **MR. BUECHE:** It is our waste and -- Yellowfin Waste & Environmental policy  
7   and procedures, or as you would call it, your HSE manual.

8   **MR. RACHAL:** Can you please give a brief overview of the applicant's health  
9   and safety manual based on the manual's table of contents?

10   **MR. BUECHE:** I can. It's quite extensive, but there is a welcome aboard section.  
11   It addresses any changes in policy, it addresses what employment at will is, how  
12   we classify our employees, whether they be warehouse or driver or others. Equal  
13   opportunity covers the ADA Act; confidentiality; employment of minors;  
14   employment of relatives; introductory period; personnel records and employee  
15   references; privacy; the Immigration Law compliance; political neutrality;  
16   additional protections for our pregnant employees, which is sort of new to us; pay  
17   periods and paydays; overtime; just general compensation type of issues. We have  
18   a standard of conduct for employees and it deals with harassment, attendance, dress  
19   code, also includes cell phone policy. The employee benefits and services section.  
20   We also cover leave of absences and time off as part of their compensation. And  
21   also, if they need workers' comp, FMLA, anything like that. It's quite extensive.

22   **MR. RACHAL:** Does the health and safety manual include driver safety as well?

1   **MR. BUECHE:** It does. During this process, we've realized that we needed to,  
2   sort of, tick this up a little bit and we've added some additional policies. We've  
3   added defensive driving, a DOT drug policy, a hazardous waste policy, which is  
4   specific to how to handle and load and unload hazardous waste. We've added  
5   roadside inspection policy and a vehicle maintenance policy, all this as well. Now,  
6   these will be eventually combined into the entire HSE manual. As we've added  
7   these components, we wanted to get through this process and make sure that we've  
8   had everything covered before we, sort of, revise the entire manual and then we'll  
9   roll it back out to employees and, you know, present it to them in the right manner  
10   and have them sign off on it again. But it was clear that we needed to step up our  
11   specific driver policy as regards to hazardous waste.

12   **MR. RACHAL:** So Yellowfin Waste agreed to provide policies specific to LPSC  
13   regulated waste and to train its employees on those policies prior to being issued a  
14   certificate?

15   **MR. BUECHE:** Yes.

16   **MR. RACHAL:** Okay. Is the health and safety -- is this document also used to  
17   train drivers transporting waste or will it?

18   **MR. BUECHE:** Yes. Specifically.

19   **MR. RACHAL:** And is the health and safety manual and the waste transportation  
20   policy issued to or otherwise readily available to all the company's drivers and  
21   operators?

22   **MR. BUECHE:** Absolutely.

1   **MR. RACHAL:** And are the company's drivers and operators required to read  
2   and review the health and safety manual and the waste transportation policies?  
3   **MR. BUECHE:** They are and there are specific sign offs to each of them.  
4   **MR. RACHAL:** And does the company enforce all the provisions of its health and  
5   safety manual and the waste transportation policies?  
6   **MR. BUECHE:** Yes.  
7   **MR. RACHAL:** And has the company provided the Louisiana Public Service  
8   Commission with a copy of the health safety manual and the waste transportation  
9   policies, which you have just identified?  
10   **MR. BUECHE:** We have. Yes.  
11   **MR. RACHAL:** And could you please identify under what circumstances this  
12   health and safety manual will be used?  
13   **MR. BUECHE:** Well, as I mentioned, it's quite comprehensive, so it -- every day,  
14   with regards to employees, the standards are performance, attendance, behavior,  
15   compensation, discipline, every day.  
16   **MR. RACHAL:** And will other health and safety documents be used by the  
17   company in other circumstances, and if so, what documents and under what  
18   circumstances?  
19   **MR. BUECHE:** Yeah, I kind of answered that earlier. With regards to the  
20   additional policies that we've rolled out, you know, we have undertaken that task  
21   and tried to incorporate that into the HSE manual.  
22   **MR. RACHAL:** And do you wish to offer, file and introduce into evidence which  
23   is a copy of the applicant's employees' health and safety manual?

1    **MR. BUECHE:** Yes.

2    **MR. RACHAL:** Your Honor, this will be Exhibit E, in globo.

3    **JUDGE FREY:** Applicant's Exhibit E, Yellowfin Waste & Environmental, LLC

4    policies and procedure manual referred to as its HSE manual, is admitted, in globo,

5    including the additional policies.

6    **MR. RACHAL:** Thank you, Your Honor. Can you please detail the applicant's

7    drug and alcohol policy?

8    **MR. BUECHE:** Yeah. We actually went, really, and pulled this information

9    specifically from the 49 CFR and FMCSA manuals. It's quite comprehensive, but

10   it covers all of the -- what would be considered the daily applications of it, whether

11   it's pre-employment, random drug screens, as well as any suspicions. Right. Any

12   of those that would be applied to active drivers.

13   **MR. RACHAL:** Would that also include after an incident?

14   **MR. BUECHE:** It would include post-accident. Thank you.

15   **MR. RACHAL:** And who does the company use as -- who provides the drug and

16   alcohol screening?

17   **MR. BUECHE:** So we have moved to an outsource. We use M&A Safety

18   Services out of Houma. We are engaging with them to provide our random, post-

19   accident and pre-employment drug screenings.

20   **MR. RACHAL:** Does the applicant have any unresolved insurance claims or

21   workers' compensation claims pending against it or any of its drivers?

22   **MR. BUECHE:** No.



1   **MR. RACHAL:** Have the company's employees ever been asked to leave a job  
2   site?

3   **MR. BUECHE:** No.

4   **MR. RACHAL:** Has the applicant had any complaints from customers about its  
5   drivers, including by waste generators or shippers?

6   **MR. BUECHE:** Just minor complaints about positioning of the dumpster, things  
7   like that, nothing safety related.

8   **MR. RACHAL:** Has the applicant had any complaints from the general public  
9   about its drivers?

10   **MR. BUECHE:** No.

11   **MR. RACHAL:** Has the applicant had any regulatory violations in other states  
12   where the applicant conducts business?

13   **MR. BUECHE:** No.

14   **MR. RACHAL:** Has the applicant had any federal regulatory violations?

15   **MR. BUECHE:** No, sir.

16   **MR. RACHAL:** Can you please discuss the applicant's safety meeting procedure?

17   **MR. BUECHE:** We currently have a weekly safety meeting. These are driver  
18   specific topics and it is basically the same as a tailgate meeting. They're required  
19   to read and sign off on it that they were there and that they understand it and then  
20   they take a copy of the topic with them. That's currently a weekly process. When  
21   we update the HSE manual, we'll probably move to a quarterly safety meeting as  
22   well, but for the time being it is a weekly process.

23   **MR. RACHAL:** Are there -- does the company do job specific analysis meetings?

1   **MR. BUECHE:** Yes, we do. For instance, we do -- some of the recent safety  
2   topics were distracted driving, avoiding driver fatigue, cell phone usage, how to  
3   handle aggressive drivers on the road, et cetera, so.

4   **MR. RACHAL:** And where are these safety meetings held?

5   **MR. BUECHE:** They're held at the office every Friday.

6   **MR. RACHAL:** And you might have just answered this, so forgive me, but what  
7   topics are discussed at the applicant's safety meetings?

8   **MR. BUECHE:** Yeah. They are driver specific. A couple of the examples are  
9   distracted driving, driver fatigue, cell phone usage.

10   **MR. RACHAL:** And who attends the applicant's safety meetings?

11   **MR. BUECHE:** All the drivers and the dispatcher.

12   **MR. RACHAL:** And are the company's drivers and operators required to attend  
13   the company's safety meetings?

14   **MR. BUECHE:** Yes, they are.

15   **MR. RACHAL:** And are the company's safety meetings documented?

16   **MR. BUECHE:** Yes.

17   **MR. RACHAL:** Where are they kept or documented?

18   **MR. BUECHE:** We have a safety -- a weekly safety meeting file. We file it with  
19   the DOT paperwork and everything for our drivers.

20   **MR. RACHAL:** Can you please discuss the company's cell phone policy?

21   **MR. BUECHE:** We require the drivers to have handsfree devices. We require  
22   them not to answer our calls and requests while they're driving. They're  
23   encouraged to return the call once they get to their destination, which is very

1 difficult for a driver to do, but they have learned, so it's a hard process to enforce  
2 for sure.

3 **MR. RACHAL:** So is it a zero tolerance?

4 **MR. BUECHE:** Zero tolerance.

5 **MR. RACHAL:** And does the company employ a full-time safety manager?

6 **MR. BUECHE:** We don't have our internal safety manager, but we rely on M&A  
7 Safety Services. You know, with eight employees in the company, a safety  
8 manager seems to be a bit of a reach, but we, you know, rely on them really to sort  
9 of steer us in the right direction with regards to our safety procedures.

10 **MR. RACHAL:** And does that company -- do they conduct most or at least some  
11 of the safety meetings?

12 **MR. BUECHE:** They will conduct training, but not safety meetings. We will  
13 conduct those ourselves, internally.

14 **MR. RACHAL:** So who in particular would hold a safety meeting?

15 **MR. BUECHE:** That would be myself. Yeah.

16 **MR. RACHAL:** And is the company a member of any safety networks?

17 **MR. BUECHE:** We are a member of J.J. Keller, which is a well-known DOT and  
18 FMCSA resource. We get some of our topics from them. We take, you know,  
19 advice from them regarding the semiannual on road inspections that are happening  
20 and things like that. So we reach out to them mainly for that content.

21 **MR. RACHAL:** Are there any other safety networks the company is involved  
22 with?

23 **MR. BUECHE:** Not at this time.

1   **MR. RACHAL:** And are there any ratings from the safety network you're  
2   currently with?

3   **MR. BUECHE:** None.

4   **MR. RACHAL:** Will the company join other safety networks if asked to?

5   **MR. BUECHE:** Sure.

6   **MR. RACHAL:** Has the company ever lost a job because of their safety network  
7   score?

8   **MR. BUECHE:** No, we have not and we better not.

9   **MR. RACHAL:** Is there anything further that you would like the court to know  
10   about the safety aspect of Yellowfin?

11   **MR. BUECHE:** No.

12   **MR. RACHAL:** Do you believe that Yellowfin satisfies all the requirements to  
13   operate the authority that may be granted under a certificate from the LPSC?

14   **MR. BUECHE:** Yes.

15   **MR. RACHAL:** And if this application is granted, does the applicant intend to  
16   comply with all the rules and regulations of the LPSC?

17   **MR. BUECHE:** Yes.

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

19   **JUDGE FREY:** Thank you. I have a few clarifying questions for you, Mr.  
20   Bueche.

21   **MR. BUECHE:** Sure.

1     **JUDGE FREY:** Tell me just a little bit about the driver training process. Once a  
2     new driver is hired, tell me about the training and onboarding that the company  
3     does.

4     **MR. BUECHE:** So again, prior to that, we would like to know more about the  
5     specific experience that the driver has. Because the driver has Class A truck  
6     experience does not mean he or she knows how to drive a roll off truck and operate  
7     it safely. The boom goes quite high and there are some, you know, very dumpster  
8     specific and safety things that we are looking for. So we want to know that the  
9     driver has specific roll off experience, at least a year of it, prior to even bringing  
10    him or her on. If that is the case and they do have a year experience, the training  
11    cycle is very short. We can put them on a road as little as a week or two weeks.  
12    However, we wouldn't do that until we put them with one of the drivers that we  
13    currently have to know that we're getting trusted and accurate feedback based on  
14    what the driver says, what they do when they're riding in the passenger seat. When  
15    we put them in the driver's seat and then we have our experienced driver riding,  
16    how are they navigating the roads, are they aggressive, are they talking on a  
17    cellphone? Those type of things are the feedback that we're getting from our  
18    trusted driver prior to putting them on the road. So it's as much as we can do as far  
19    as getting true feedback from them, and that's really what we go on, but in the end  
20    -- at the end of the day, if we're not comfortable and the drivers that they're riding  
21    with are not comfortable, we won't hire them. I mean, not permanently.

1     **JUDGE FREY:** So the drivers that ride along with the new driver hires, do they  
2     provide a written report? How is that feedback passed along, documented and who  
3     makes the call whether or not they're good to drive without someone with them?

4     **MR. BUECHE:** So part of this awareness and elevation in our awareness is we  
5     have to move to an official on road safety check, which is conducted by a safety  
6     manager, should be. Because we're outsourcing that, up until now we've done that  
7     feedback verbally and it really wasn't documented properly, but in engaging this,  
8     they have provided us with a true DOT on road inspection. So the driver that takes  
9     them will fill one out and then myself or the owner will do a final check, so we'll  
10    have at least one, if not two, of those FMCSA regulated, DOT on road driver  
11    checks.

12    **JUDGE FREY:** All right. And that organization, that's the M&A Safety --

13    **MR. BUECHE:** Yes, ma'am.

14    **JUDGE FREY:** That's the third-party group y'all contract with?

15    **MR. BUECHE:** We do. They would be able to provide the physical body. J.J.  
16    Keller has tons of content, as far as DOT and FMCSA regulations. So we actually  
17    have a relationship with them where we can call them and ask, you know, how is it  
18    that we should proceed with this, and like I said, we've gained so much on that, but  
19    they have provided us -- look, this is the actual form. We downloaded it, so now  
20    we have it and we know to use that, you know, as an official check instead of just  
21    a verbal okay.

22    **JUDGE FREY:** Thank you. That's all the questions I have for you Mr. Bueche.  
23    Do you have any follow up, Mr. Rachal?

1     **MR. RACHAL:** None, Your Honor.

2     **JUDGE FREY:** Anything you would like to add to your testimony following my  
3     questions?

4     **MR. BUECHE:** No, ma'am.

5     **JUDGE FREY:** Thank you. You can step down.

6     **MR. RACHAL:** Your Honor, as stated in Staff's pre-hearing statement, Staff  
7     supports this application, as the applicant satisfies and has demonstrated all fitness  
8     requirements, there are currently no outstanding compliance issues involving the  
9     applicant, and the applicant is currently in good standing with the Commission.  
10    Therefore, together with the applicant, Staff prays that the application be granted.

11    **JUDGE FREY:** Thank you, Staff. Anything further from the applicant, Mr.  
12    Hymel?

13    **MR. HYMEL:** No, ma'am.

14    **JUDGE FREY:** Thank you. If there is nothing further, this hearing is adjourned.  
15

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

1 I hereby certify that the foregoing pages 1 through 54 are true and correct to the best  
2 of my knowledge of the Hearing held on May 7, 2024 in Baton Rouge, Louisiana.

3

4 **Rough Draft by:**

5 Beth Boozer

May 29, 2024

6 **Beth Boozer,**  
7 **Court Reporter**

**Date**

8 **Proofed by:**

9 Clarisa Findley

May 31, 2024

10 **Clarisa Findley,**  
11 **Court Reporter**

**Date**

12 **Finalized by:**

13 Beth Boozer

June 10, 2024

14 **Beth Boozer,**  
15 **Court Reporter**

**Date**