

LOUISIANA PUBLIC SERVICE COMMISSION

ORDER NUMBER T-37332

GDE TIGER DRILLING LLC
EX PARTE

Docket No. T-37332, In re: Application for a Common Carrier Certificate of non-hazardous oilfield waste for disposal, statewide.

(Decided October 3, 2024.)

ORDER

Background

GDE Tiger Drilling LLC (“GDE” or the “Applicant”) filed an application (“Application”) with attachments on July 23, 2024, seeking from the Louisiana Public Service Commission (“LPSC” or “Commission”) a common carrier certificate authorizing it to transport non-hazardous oilfield waste for disposal, statewide. Notice of the Application was published in the Commission’s *Official Bulletin* on August 2, 2024, for a 15-day intervention period. No interventions were filed.

At a status conference on September 4, 2024, representatives of the Applicant and the Commission Staff agreed to the procedural schedule included in the *Report of Status Conference* issued on the same day. Pursuant to the schedule, GDE and Commission Staff filed their pre-hearing statements on September 18 and September 20, 2024, respectively. As there are no intervenors and Commission Staff supports the Application, the Application is considered unopposed.

Jurisdiction and Applicable Law

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

[t]he [C]ommission shall regulate all common carriers and public utilities and have such other regulatory authority as provided by law. It shall adopt and enforce reasonable rules, regulations and procedures necessary for the discharge of its duties, and shall have other powers and perform other duties as provided by law.

In addition, La. R.S. 45:163 provides that “[t]he [C]ommission has the power and authority necessary to supervise, govern, regulate, and control motor carriers...which transport household goods, passengers, or waste intrastate and to fix reasonable and just rates, fares, tolls, or charges for the commodities furnished or services rendered by such motor carriers.” La. R.S. 45:164 states that “[n]o motor carrier of waste shall operate without first having obtained from the [C]ommission

a common carrier certificate or contract carrier permit.” La. R.S. 45:164(B) provides that an applicant for a common carrier certificate, contract carrier permit, or expansion of authority granted in an existing certificate must prove fitness by proving all of the following:

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

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

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

...
- D. The provisions of this rule are applicable to all applications for common carrier certificates and contract carrier permits of waste and all applications for expansion of existing waste authority, including those applications which are presently pending before the Commission but have not yet gone to hearing on the merits.
- E. All restrictions on existing certificates or permits are valid until expansion of authority is applied for and a new certificate or

permit is granted. However, any restrictive language in any existing common carrier certificate or any contract carrier permit of waste that prevents the carrier from applying for expanded authority for any period of time is null and void...

F. Certificates or permits issued after the adoption of this rule shall not contain restrictions.

The Hearing

A hearing on the Application was convened on October 2, 2024, at which GDE appeared through Greg Elliot and Commission Staff appeared through counsel.

Testimony and Evidence Presented by the Applicant

In support of its Application, GDE presented the testimonies of Greg Elliot, Dawn Prejean, Jonathan Brown, and Tyler Lege.

Testimony of Greg Elliott

Mr. Elliott is the founder and sole member of the Applicant, serves as President and Chief Executive Officer, and manages the day-to-day operations and personnel of GDE. Mr. Elliott provided his educational and employment background, indicating that he has over 35 years of experience in the oilfield industry in operation/production and support services before founding GDE in 2022. Mr. Elliott owns and has owned other business entities in the oilfield industry, including GDE Tiger Petroleum, LLC - an oil production company of which Mr. Elliot is the sole member.

Mr. Elliott provided an overview of the Applicant's operations explaining that he formed the Applicant to serve as the support services company for his production company, GDE Tiger Petroleum, LLC, given the lack of available support services providers in south Louisiana. GDE is a Louisiana limited liability company formed on March 2, 2022. The corporate office is in Lafayette, Louisiana and its sole terminal is in Opelousas, Louisiana. Mr. Elliott stated that the Applicant operates exclusively in Louisiana, primarily in the following parishes: Livingston, East Baton Rouge, St. Landry, West Baton Rouge, and Vermillion. GDE currently holds LPSC Common Carrier Certificate No. 8537 authorizing the transportation of saltwater. The Applicant transports saltwater, equipment, and other materials for GDE Tiger Petroleum, LLC, and seeks the requested authority to transport GDE Tiger Petroleum LLC's non-hazardous oilfield waste for disposal.

Mr. Elliot testified that GDE has approximately 15 total employees and one CDL driver, and if the requested authority is granted, the Applicant anticipates hiring additional employees, including drivers.

Mr. Elliott testified regarding GDE's regulatory compliance, confirming that GDE is in good standing with the Louisiana Office of Secretary of State and state and federal regulatory agencies. Further, Mr. Elliott confirmed his understanding of myriad Commission rules and regulations, including filing annual reports, paying inspection and supervision fees, and maintaining current insurance documents on file with the Commission. Per Mr. Elliott, the Applicant intends to comply with all of the Commission's regulations.

Testimony of Dawn Prejean

Ms. Prejean is the Applicant's Chief Financial Officer and has been employed with GDE since its formation. Before her employment at GDE, she was employed by Mr. Elliot at his other business entities. She has been an accountant since 1996, has worked in both public and private accounting, and has over 20 years of experience in accounting with oilfield-related entities. She is responsible for all financial matters for GDE.

Ms. Prejean testified regarding the Applicant's insurance and finances. Ms. Prejean identified proof of insurance for the Applicant and confirmed that the policies insure all of its equipment and drivers, noted the policy limits meet or exceed LPSC requirements, and stated that the policies will be renewed on or before expiration.¹ Ms. Prejean testified regarding the Applicant's financial condition: identifying documents depicting the Applicant's finances, asserting that the Applicant is financially able to provide safe and efficient transportation of waste, and stating there are no financial factors that would limit that ability. Ms. Prejean noted that GDE owns its equipment free of encumbrances. Ms. Prejean stated that Mr. Elliot is willing and able to contribute capital to GDE if needed. According to Ms. Prejean, the Applicant is financially stable, has not filed for bankruptcy, has had no issues with payroll, has not been the subject of a tax audit, and is current on federal and state tax filings. Ms. Prejean testified that GDE has the requisite finances to maintain its equipment and operate the certificate, if granted, in a safe, efficient and LPSC-compliant manner.

Testimony of Jonathan Brown

Mr. Brown is employed by GDE as Transportation Manager, has a CDL, and is responsible for transportation operations and equipment maintenance. Mr. Brown stated that he has been employed by the Applicant since early 2023. Mr. Brown testified regarding his employment

¹ Ms. Prejean acknowledged a discrepancy in the spelling of the Applicant's name as listed on the *ACORD Certificate of Liability Insurance* admitted at the hearing as part of Applicant Ex. A and testified that the Applicant will remedy any spelling errors, if necessary, to comply with Commission rules.

background in the oilfield production and exploration and trucking industries, beginning in 2007. Mr. Brown testified regarding the Applicant's equipment. Mr. Brown identified the equipment lists included in the Application and testified that the Applicant owns approximately ten trucks and five trailers.

Mr. Brown addressed the Applicant's maintenance policies and practices, including pre- and post-trip inspections and maintenance schedules. Mr. Brown stated that routine maintenance and repairs are performed in-house and are documented by Mr. Brown. More extensive maintenance and repairs are performed by third parties. Mr. Brown testified that all equipment to be used by the Applicant for LPSC-regulated waste transportation is in good working order. According to Mr. Brown, the Applicant's trucks are equipped with diagnostic equipment to monitor drivers, forward- and cab-facing cameras, and are governed to 75 or 76 miles per hour. The Applicant does not utilize owner-operators. Mr. Brown stated that GDE has, or is capable of acquiring, the equipment, permits, and personnel necessary to operate the certificate safely and efficiently.

Mr. Brown testified regarding the driver hiring and training process. Driver applicants must complete prerequisites including motor vehicle and criminal background checks and a drug and alcohol screening. GDE requires drivers to have at least two years of CDL experience and undergo a driver orientation program. Mr. Brown stated that he will initially accompany all new driver hires, provide training, and conduct a skills assessment on various equipment and driver tasks as part of the orientation process.

Testimony of Tyler Lege

Mr. Lege is employed by GDE as Operations Manager, and is responsible for managing personnel and equipment at the terminal in Opelousas, as well as some operations on job locations. Mr. Lege began his employment at GDE in January 2023. Mr. Lege testified regarding his employment history in the oilfield support services industry. Mr. Lege the addressed GDE's safety policies and practices, and discussed the Applicant's *Injury and Illness Prevention Program for the State of Louisiana*, which is provided to all drivers who must read and review. Mr. Lege highlighted some of the transportation and driver-specific policies, the drug and alcohol policy, and the cell phone usage policy.

Mr. Lege advised that GDE conducts daily safety meetings at its terminal location and job-specific analysis meetings at job locations, as needed. Mr. Lege discussed some of the topics

addressed at the safety meetings and explained how the safety meetings are documented.

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

Exhibit A, <i>in globo</i>	The <i>Waste by Motor Vehicle Application</i> filed by GDE Tiger Drilling LLC on July 23, 2024, with cover letter and public attachments (excluding the safety manual).
Exhibit B, <i>in globo</i>	The following financial documents for GDE Tiger Drilling LLC (admitted confidentially under seal): <ul style="list-style-type: none">• Profit and Loss Statement, January - December 2022• Balance Sheet as of December 21, 2022• Profit and Loss Statement, January - December 2023• Balance Sheet as of December 31, 2023• Profit and Loss Statement, January - June 2024• Balance Sheet as of June 30, 2024.
Exhibit C, <i>in globo</i>	GDE Tiger Drilling LLC's safety manual - GDE Companies <i>Injury and Illness Prevention Program for the State of Louisiana</i> (submitted electronically on thumb drive).
Exhibit D	GDE Companies <i>Injury and Illness Prevention Program for the State of Louisiana</i> cover page, disclaimer, and Table of Contents. And,
Exhibit E, <i>in globo</i>	<i>LPSC Staff's First Set of Data Requests to GDE Tiger Drilling, LLC</i> [sic] with responses thereto, and <i>LPSC Staff's Second Set of Data Requests to GDE Tiger Drilling, LLC</i> [sic] with responses thereto.

Commission Staff's Position

The Commission Staff expressed its support for the Application in its pre-hearing statement and confirmed at the hearing that there are no LPSC regulatory issues with GDE and that it supports the Application.

Conclusion

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

Accordingly, **IT IS ORDERED** that GDE Tiger Drilling LLC be issued a common carrier certificate authorizing operation in Louisiana intrastate commerce as a common carrier of non-hazardous oilfield waste for disposal, statewide.

IT IS FURTHER ORDERED that the issuance of the common carrier certificate is conditioned upon the full compliance of GDE Tiger Drilling LLC with the laws of the State of Louisiana and the rules and regulations of the Louisiana Public Service Commission.

BY ORDER OF THE COMMISSION
BATON ROUGE, LOUISIANA
October 4, 2024



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

BRANDON M. FREY
SECRETARY

/S/ MIKE FRANCIS
DISTRICT IV
CHAIRMAN MIKE FRANCIS

/S/ DAVANTE LEWIS
DISTRICT III
VICE CHAIRMAN DAVANTE LEWIS

/S/ FOSTER L. CAMPBELL
DISTRICT V
COMMISSIONER FOSTER L. CAMPBELL

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

/S/ CRAIG GREENE
DISTRICT II
COMMISSIONER CRAIG GREENE