



Louisiana Public Service Commission

Located at 602 North Fifth Street; Baton Rouge, LA 70802

Mailing Address PO Box 91154; Baton Rouge, LA 70821

Transportation Division: (888) 342-5717

TO: ALL LOUISIANA MOTOR CARRIERS OF WASTE BY MOTOR VEHICLE.

Please note the following information relative to the regulation of **waste** by motor vehicle by the Louisiana Public Service Commission.

Submit the attached application for common carrier authority along with the proper fees and required documents as outlined in the Applications - Process section.

If you have any questions you may call our office at (888) 342-5717 or (225) 342-4439.

PROCEDURE AND RELATED INFORMATION FOR MAKING APPLICATION TO THE LOUISIANA PUBLIC SERVICE COMMISSION FOR A COMMON CARRIER CERTIFICATE

(Other than transfer or lease of existing rights)

Pursuant to R.S. 45:164 no motor carrier shall operate as a common carrier without having first obtained from the commission a certificate, which shall be issued only after a written application is made and filed.

“Operating Certificate” means a certificate issued to transporters of **waste** by motor vehicle under R.S. 45:161 through R.S. 45:172.

APPLICATIONS - PROCESS

Application must be filed in the Commission’s office, Galvez Building, 602 N. 5th St., Baton Rouge, Louisiana 70802. (Mailing address is P.O. Box 91154, Baton Rouge, Louisiana 70821-9154.)

The original notarized application should be accompanied by:

- (A) A letter from an insurance company (or agent) authorized to do business in Louisiana, stating such company will write the required insurance coverage in the event application is granted;
- (B) Filing fee must be remitted in the form of a certified check, cashier’s check, or a money order:

Application for a certificate
authorizing transportation as
a common carrier \$200.00

THE COMMISSION RETAINS FEE WHETHER THE APPLICATION IS GRANTED OR NOT. NON-COMPLIANCE WILL ALSO RESULT IN LOSS OF FILING FEES.

- (C) If applicant is a corporation, majority stock ownership must be shown either by separate statement (only one is required), or in application which must also contain the state where incorporated, date of incorporation, Federal EIN, and a list of the full legal names of the President and Secretary of said corporation as described in La. R.S. 12:82A;

Once the completed application has been received by the Commission, it will be docketed with the Records & Recording Division and go through the docketing process as follows:

- Application will be published in the next Official Bulletin for Twenty-Five (25) days where it may draw Opposition and Intervention. (Applicant and Intervenors’ may come to an agreement for a restrictive amendment to be signed by both parties and filed into the record)
- The application will then be assigned to an Administrative Law Judge (ALJ).
- A Status Conference will then be set for all parties to attend at which time a date will be set for a hearing. At the hearing the applicant will be required to prove public convenience and necessity.
- Once the hearing has been heard by the ALJ a decision will be made and an order will be issued by the Commission informing the applicant as to the status of their application.

FILINGS REQUIRED PRIOR TO ISSUANCE OF CERTIFICATES OR PERMITS

If application is approved, a letter of compliance will be sent to the petitioner advising of filings required prior to issuance of the certificate. This letter, in itself, does not authorize commencement of operations but merely authorizes issuance of the required authority, conditioned upon petitioner making certain filings.

Required filings:

- Petitioner must file a current Tariff
- Complete registration and purchase an identification stamp for each vehicle or combination of vehicles in his fleet **prior** to operation.
- Form E, Bodily Injury and Property Damage filed by the insurance company (As described in "General Information" below)

Upon completion of these requirements, the authorized certificate will be issued and forwarded to the petitioner.

The filings so required must be made within thirty (30) days from the date of the compliance letter.

GENERAL INFORMATION

(1) INSURANCE

Pursuant to R.S. 45: 163 (d) the commission shall require the following policies of insurance:

Public liability and property damage insurance on trucks operated by common carriers and/or passenger buses, providing coverage of (\$250,000.00) TWO HUNDRED FIFTY THOUSAND DOLLARS for injury or death to any one person not to exceed (\$500,000.00) FIVE HUNDRED THOUSAND DOLLARS per occurrence, and (\$10,000.00) TEN THOUSAND DOLLARS property damage; (\$510,000.00) FIVE HUNDRED TEN THOUSAND single/combined.

These insurance policies shall be written by companies qualified to do business in this state.

The required proof of insurance shall be the filing of a Form E, Bodily Injury and Property Damage Certificate of Insurance, by the insurance company, which must be received prior to registration. The name and address on the Form E and name and address on the application for authority must match exactly.

(2) RATES, FARES AND CHARGES

Common Carriers: The common carrier operates under tariffs filed with and approved by the Commission, which shows the services to be rendered and the basis for computation of rates. After the carrier's initial filing prior to commencement of operations, all changes must be effected through tariff publications approved by the Commission. Generally proposed the staff can handle reductions or insignificant changes informally, but significant increases require approval by the Commission. These increases usually require formal handling; publication in the Commission's Bulletin, and public hearing by the Commission at which time persons affected by the proposed increases may appear in opposition to the granting of the increase. In some instances the Commission has prescribed the rates to be charged by all motor carriers engaged in performing certain types of services including transportation of Household Goods. In such instances charges are published in an agency tariff and the carrier performing any of the services must either participate in the agency tariff or file its own tariff with provisions in accord with the prescribed tariff.

Tariff should contain the following information:

- Complete name and address of company
- Specific information for rates charged
- Indicate times when charges begin and end
- If rates are based on mileage, the official Louisiana highway map must be used. (This can be obtained from the Louisiana Department of Tourism www.crt.state.la.us/tourism)

(3) MERGER OF DUPLICATE OPERATING RIGHTS

"No motor carrier shall be permitted to hold more than one certificate granting the same authority in the same territory or over the same route. When a motor carrier holding operating authority acquires by purchase or lease another similar authority, the two shall be merged into one and both authorities reissued to the carrier as one. Should a certificate holder acquire additional rights which overlap the rights already held by him to some extent, that portion of the rights which overlap his original rights shall be merged into the original grant of authority."

(4) SUSPENSION RIGHTS

If a carrier's business will be dormant for a short period of time, they may request a suspension of authority in writing. The letter must be notarized and give detail as to why the business is dormant, before the Commission will consider granting such a request.

(5) ANNUAL REPORTS

All intrastate carriers subjected to regulation by the Louisiana Public Service Commission through its Transportation Enforcement Division are **REQUIRED** to file Annual Reports with the division as stated in the Commission's General Order No. 2, dated July 1, 1921.

If you have not received the ANNUAL REPORT FORM by February 15, you may contact the Transportation Division at (888) 342-5717 or (225) 342-4439 or visit the Commission's website (www.lpsc.org INDUSTRY INFO; MOTOR CARRIER; ANNUAL REPORTS) to download a copy. **IT IS THE CARRIER'S RESPONSIBILITY TO OBTAIN THE ANNUAL REPORT FORM EACH YEAR AND TO FILE IN A TIMELY MANNER.**

The report must be received in this office on or before **April 30** of each year for those filing on a calendar year basis and **one hundred twenty (120) days after** the fiscal year has ended for those filing on a fiscal year basis as required by General Order 2 dated July 21, 1921 and General Order dated April 23, 2001. Carriers wishing to file on a fiscal year basis must notify the commission of its status in writing upon being granted authority. Carriers who file after the April 30th due date (or the 120-day date for *fiscal carriers) are subject to a \$500.00 Late Filing Fee and a Citation Fee of \$25.00 will be added to the \$500 Late Fee if the carrier is cited. It is the carrier's responsibility **to be able to prove the report was mailed prior to the due date. Use a certificate of mailing or certified mail receipt (Green Card) and KEEP YOUR RECEIPT along with a copy of the annual report for your records** An **Extension** may be requested in writing prior to the April 30 deadline. You will be notified if your request was accepted or denied.

*FISCAL CALENDAR EXAMPLES:

Smith Trucking wishes to change from a calendar year basis to a fiscal year basis beginning June 1, XX (any year). The LPSC will need the following:

1. A Notarized Letter from company CEO, Manager, or Board stating the accounting change and the effective date. (i.e. "Smith Trucking is changing to a fiscal calendar with fiscal year beginning June1.")
2. The Annual Report for the period of change needs to reflect a continuous annual reporting. (i.e. If the new fiscal calendar begins June 1, 2007, then the Commission will need financial data (annual reporting) for the period January 1, 2007 through May 31, 2007. This insures a continuous flow of reporting for all months of a given year, even the year in which the change occurred.

(6) OWNER/OPERATOR LEASES

Any utilization of owner/operators by a certificated common carrier will require the carrier place on file, prior to transportation and for duration of the lease period, a statement that owner/operators vehicle(s) is covered by and operating under the carrier's insurance. This statement must contain the owner/operator's name, address and description of covered vehicles. The lease must be in writing, properly executed in quadruplicate. One copy is to be held by lessor, one by lessee, one must be immediately filed with the Commission (along with a filing fee of \$10.00 per vehicle), and one carried in the vehicle.

TYPE OF ENTITY (Please check one below)

- SOLE PROPRIETORSHIP or INDIVIDUAL** **PARTNERSHIP** **CORPORATION***
 LIMITED LIABILITY CORPORATION – LLC * **OTHER** _____

*If you are a Corporation or LLC, attach a copy of your Articles of Incorporation or Articles of Organization from the Secretary of State.

NAME OF CORPORATION OR NON-PERSON ENTITY (as listed on page 1 of application)

STATE OF INCORPORATION DATE INCORPORATED FEDERAL EIN

1) NAME AND TITLE OF MEMBER/OFFICER

2) NAME AND TITLE OF MEMBER/OFFICER

AUTHORIZED AGENT FOR SERVICE OF PROCESS

REPRESENTATION OF APPLICANT

SECTION 2

If Applicant is represented by legal counsel or if this application is being filed by legal counsel please provide the following:

LEGAL COUNSEL'S NAME (FIRM NAME OPPTIONAL)

MAILING ADDRESS CITY STATE ZIP CODE

TELEPHONE NUMBER (INCLUDE AREA CODE) FAX NUMBER

EMAIL

EQUIPMENT

SECTION 3

Applicant proposes to commence operations with the following equipment: (PLEASE PRINT MAKE, TYPE, AND NUMBER OF UNITS PROPOSED TO BE OPERATED.) If additional space is needed, attach a separate sheet.

APPLICANT REPRESENTS that the service covered by this application is required by the public convenience and necessity.

If and when the certificate of public convenience and necessity herein applied for shall be granted, Applicant agrees to comply with all provisions of law and the rules and regulations of the Louisiana Public Service Commission respecting the operation of public service motor vehicles, and to file with the Commission a tariff of fares, schedules and other required data; and to file such evidence of insurance or bonds as may be required by law and by the rules and regulations of the Louisiana Public Service Commission prior to commencement of operations.

WHEREFORE, Applicant prays that this application be docketed and that after hearing thereon, an appropriate certificate of public convenience and necessity issue to applicant.

Signed & Dated at _____
(Location) (Printed Name/Title of Authorized Representative or Applicant)

(Signature of Authorized Representative or Applicant)

This _____ day of _____, 20____

VERIFICATION

SECTION 3

State of _____ County/Parish of _____

_____, being duly sworn, deposes and says: That he/she is the Applicant (or the Authorized Representative of the Applicant) in the above application; that he/she has read same and is familiar with the contents thereof and that the facts as stated therein are true and correct.

(Printed Name/Title of Authorized Representative or Applicant)

(Signature of Authorized Representative or Applicant)

This _____ day of _____, 20____

Notary Public ID#

LPSC OFFICE USE ONLY

Staff Approved

Date

DOCKET # _____ PUBLISHED IN BULLETIN ON _____ # _____
Date