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

JOINT APPLICATION TO SELL, TRANSFER OR LEASE WASTE CERTIFICATE OR PERMIT TO ANOTHER LEGAL ENTITY

Procedure and related information for making application to the Louisiana Public Service Commission to transfer a common carrier certificate or contract carrier permit of waste to another entity pursuant to General Order dated October 08, 2019 Section **I.** No motor carrier shall sell, transfer or lease a common carrier certificate or contract carrier permit to another legal entity without having first obtained approval of the transfer from the Commission.

APPLICATIONS - PROCESS

Applications to sell, transfer or lease Certificates or Permits shall be subject to General Order dated October 08, 2019. Applications 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 signed by both the Certificate or Permit Holder and Acquiring Entity and the following documents **must** be submitted in **TRIPLICATE**:

(**NOTE**: Any application that does not provide the minimum requirements as listed below will be **REJECTED & RETURNED**.)

- ☐ Application Filing Fee must be remitted in the amount of **$200.00** **NON-REFUNDABLE**
- ☐ A copy of the Secretary of State Certificate and Articles of Incorporation or Formation from the State of origin or existence. (Certificate or Permit Holder and Acquiring Entity)
- ☐ A copy of the Louisiana Secretary of State's Certificate of Good Standing. (Certificate or Permit Holder and Acquiring Entity)
- ☐ The company's operating structure, names of regulatory contacts, bookkeepers, CPA, dispatchers, or other employees anticipated to be involved with the transportation and disposal of waste. (Acquiring Entity)
- ☐ Financial income statements and balance sheets for the company for the last two complete years. For a newly formed company, a detailed statement from the owner(s) outlining the financial ability to operate all transportation functions authorized by the applied for authority. All financials should be marked as **CONFIDENTIAL** (For Acquiring Entity)
- ☐ A complete list of equipment anticipated to be used if the transfer of the Certificate or Permit is granted. (Acquiring Entity)
- ☐ A letter or Acord Certificate from an insurance company (or agent) authorized to do business in Louisiana, stating such company will write the required insurance coverage as currently exist in the event transfer of the Certificate or Permit is granted. (Acquiring Entity)
- ☐ A complete copy of the company's safety manual either by printed hard copy, flash drive or CD. (Acquiring Entity)
- ☐ Copies of permits required by any and all other state and federal agencies for the transportation and disposal of waste or a detailed list of those required permits in which the applicant has applied for, including a detailed compliance history under any jurisdiction the Applicant is currently subject to for each regulatory agency's jurisdiction. (Acquiring Entity)
- ☐ Copies of the last four quarters of the Certificate or Permit Holder's Inspection & Supervision Fee Reports and proof of payments as required by General Order November 22, 2011.
- ☐ Copies of the *Certificate or Permit Holder's waste manifest for the 6 months* prior to filing this application for the proposed transfer of the certificate or permit. If this application is being filed under good faith after the transfer, waste manifest for the 6 months prior to actual transfer will be required.
- ☐ A copy of the Purchase, Transfer or Lease Agreement of the Certificate or Permit Holder and the Acquiring Entity marked as **CONFIDENTIAL** and submitted under seal.

****The original notarized application and accompanied documents must be submitted in TRIPLICATE****

APPLICATION PROCESS

Once the completed application has been received by the Commission, it will go through the application process as follows:

- Staff will review the application to ensure that the acquiring entity has submitted evidence to demonstrate the following to the Commission:

  1. The Acquiring Entity's fitness to operate, as stated in the LPSC's Rules of Practice and Procedure Rule 33:
     a. Acquiring Entity 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;
     b. Acquiring Entity has the **financial ability** to provide the transportation of waste for disposal in a safe and efficient manner;
     c. Acquiring Entity 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;
     d. Acquiring Entity holds, or is capable of acquiring for use, **equipment and man power** to provide transportation services in a safe and efficient manner; and
     e. Acquiring Entity has in place, or is capable of establishing, a **safety program** necessary for the safe and efficient transportation of waste for disposal.
  2. The Acquiring Entity's history of compliance with regulatory authorities in the state or any other jurisdiction,
  3. Whether the transfer or change in control is fair and reasonable to the employees of both the Acquiring Entity and the current Certificate or Permit Holder,
  4. The impact of the change in control on the management and operations of the current Acquiring Entity, and
  5. Whether the certificate or permit is dormant.

- Once the Staff has accepted the application, it will be docketed, acknowledgment of application will be sent via email or US Postal Mail to applicant or applicant's legal counsel. Application will be published in the official bulletin for 15 days where any party may intervene and conduct discovery regarding any issue that is relevant to the subject matter of the docketed proceeding, as long as the requested information is not privileged.

- Upon completion of publication, the application shall be assigned to the Administrative Hearings Division for the setting of a status conference(s) and hearing on the merits.

- Once the application hearing has been heard by the Administrative Law Judge (ALJ) an order will be issued by the Commission informing the applicant as to the status of their application.

- If application is approved, a letter of compliance will be sent to the Acquiring Entity advising of compliance filings required prior to the transfer of the certificate or permit as outlined in the General Information section of this packet. Upon completion of these requirements, the authorized certificate will be issued and forwarded to the Acquiring Entity.

GENERAL INFORMATION

1. INSURANCE

Public liability and property damage insurance on trucks operated by common carriers, 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 Underwriter of the policy, which must be received thirty (30) days from the date of the compliance letter. ***The name and address on the Form E and name and address on the application for authority must match exactly***.

2. REGISTRATION OF VEHICLES

Carriers will be required to submit a "Vehicle Registration Form T-44" and remit a fee of $10 per vehicle as part of compliance approval and annually thereafter.

3. TARIFFS & CONTRACTS (RATES, FARES AND CHARGES)

Common Carriers operate under tariffs filed with and approved by the LPSC, which shows the services to be rendered and the basis for computation of rates. After the carrier's initial filing all changes must be effected through tariff publications approved by the LPSC. The staff can handle reductions informally, but increases require approval by the LPSC. These increases usually require formal handling, publication in the Commission's Bulletin, and approval before the Commissioners at the Business and Executive Meeting. A Common Carrier's Initial Tariff must contain the following information:

1. Complete name and address of company
2. Specific information for rates charged indicating a flat rate, hourly rate, etc.. When charging hourly, indicate times when charges begin and end. A range of rates (i.e. $75-$100 per hour) may be used if approved by LPSC Staff - see General Order dated October 02, 2012 for more details.
3. If rates are based on mileage, the official Louisiana highway map must be used.
4. Fuel surcharges must be stated in the tariff. If you wish to use the LPSC approved fuel surcharge please state that in the tariff. A copy can be found on our website: http://lpsc.louisiana.gov/regs3_motor.aspx

Contract Carriers operate under contracts filed with and approved by the LPSC, under which the carrier operates. The contracts must show the services to be rendered and the basis for computation of rates and be filed with and approved by the Commission. No contract carrier shall operate under more than (5) FIVE contracts. Contracts must contain the following information:

1. Complete name and address of both parties to the contract;
2. Work to be performed and the specific rate(s) to be charged under the contract;
3. A specified term of no less than ninety (90) days; and
4. Execution (signed) by all parties to the contract

4. 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 leases 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.

5. SUSPENSION OF AUTHORITY OR CHANGES TO COMPANY INFORMATION

Suspension - 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 give detail as to why the business is dormant, before the LPSC will consider granting such a request.
Changes To Company Information - If a carrier's company information, such as name, address, contact information or any other relevant information, changes ***it is the CARRIERS responsibility to make those changes with the Commission in writing*** using the proper forms which may be obtain by contacting the LPSC's main office.

6. ANNUAL REPORTS AND INSPECTION AND SUPERVISION FEE (ISF) QUARTERLY REPORTS

All intrastate carriers subject to regulation by the LPSC are ***REQUIRED*** to file Annual Reports with the Transportation Division as stated in the Commission's General Order No. 2, dated July 1, 1921. Furthermore motor carriers under the jurisdiction of the LPSC are also ***ASSESSED*** Inspection and Supervision fees which are collected by the Department of Revenue pursuant to La. R.S. 45: 1177-1179. More detailed information will be provided with your Common Carrier Certificate.

7. 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/operators 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 LPSC (along with a filing fee of $10.00 per owner/operator lease), and one carried in the vehicle. (Web link to "Intrastate Leasing Rules" http://lpsc.louisiana.gov/regs3_motor.aspx)

LOUISIANA PUBLIC SERVICE COMMISSION
PO Box 91154; Baton Rouge, LA 70821
(888) 342-5717 or (225) 342-4439

JOINT APPLICATION TO SELL, TRANSFER OR LEASE WASTE CERTIFICATE OR PERMIT TO ANOTHER LEGAL ENTITY

Certificate or Permit Holder desires to: (please select) _____ SELL _____ TRANSFER _____ LEASE its Certificate or Permit number _____ (attached as Exhibit "A") to the listed Acquiring Entity in Section 2 pursuant to General Order dated October 08, 2019.

CERTIFICATE OR PERMIT HOLDER INFORMATION

SECTION 1

Name as listed on the Certificate or Permit: (Including any doing business as "dba" name)		
DBA:		
Business Entity's Authorized Representative:		
Business Address:		
City:	State:	ZIP Code:
Mailing Address:		
City:	State:	ZIP Code:
Telephone # (Include Area Code)	Fax # (Include Area Code)	Cell # (Include Area Code)
Email Address:		
FEIN #: -	**OR**	SS# - -

CERTIFICATE OR PERMIT HOLDER - OWNERSHIP INFORMATION

List Names of Officers and/or Members and percentage of ownership or number of shares below and check one box to indicate title.

Name	**Title** (Corporations list President, Vice President, Secretary, Treasurer and LLC companies list Members)	**Ownership** percentage of ownership or number of shares

ACQUIRING ENTITY'S COMPANY INFORMATION

SECTION 2

Name as listed on the Certificate or Permit: (Including any doing business as "dba" name)

DBA:

Business Entity's Authorized Representative:

Business Address:

City:	State:	ZIP Code:

Mailing Address:

City:	State:	ZIP Code:

Telephone # (Include Area Code)	Fax # (Include Area Code)	Cell # (Include Area Code)

Email Address:

FEIN #: ☐☐-☐☐☐☐☐☐☐ **OR** SS# ☐☐☐-☐☐-☐☐☐☐

COMPANY TAX REPORTING YEAR (Check ONLY one box)

☐ Company's Tax reporting year is on a CALENDAR basis reporting January 01 to December 31 each year.

☐ Company's Tax reporting year is on a FISCAL basis reporting from _____ to _____ each year.
Month/Day Month/Day

COMPANY OWNERSHIP AND/OR INTEREST

Check one box

☐ Louisiana Domestic Corporation	Date of Incorporation_____
☐ Louisiana Domestic Limited Liability Company (LLC)	Date of Formation _____
☐ Louisiana Domestic Partnership	Date of Formation _____
☐ Louisiana Limited Liability Partnership	Date of Formation _____
☐ Foreign* Corporation in the State of _____	Date of Incorporation_____
☐ Foreign* Limited Liability Company (LLC) in the State of _____	Date of Formation _____
☐ Foreign* Partnership in the State of _____	Date of Formation _____

MUST attach copies of the company's Secretary of State Certificate & Articles of Incorporation or Formation from your state of origin or existence. *Foreign Entities must also register with the Louisiana Secretary of State's Office (La. SOS); submit copies of the paperwork filed with the La. SOS along with a copy of the Certificate of Good Standing issued by the La. SOS.

ACQUIRING ENTITY'S - OWNERSHIP INFORMATION

List Names of Officers and/or Members and percentage of ownership or number of shares below and check one box to indicate title.

Name	**Title** (Corporations list President, Vice President, Secretary, Treasurer and LLC companies list Members)	**Ownership** percentage of ownership or number of shares

REPRESENTATION OF APPLICANTS

SECTION 3

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:		
Mailing Address:		
City:	State:	ZIP Code:
Telephone # (Include Area Code)	Fax # (Include Area Code)	Cell # (Include Area Code)
Email Address:		
REPRESENTS: CERTIFICATE HOLDER ☐	**ACQUIRING ENTITY** ☐	

LEGAL COUNSEL'S NAME:		
FIRM NAME:		
Mailing Address:		
City:	State:	ZIP Code:
Telephone # (Include Area Code)	Fax # (Include Area Code)	Cell # (Include Area Code)
Email Address:		
REPRESENTS: CERTIFICATE HOLDER ☐	**ACQUIRING ENTITY** ☐	

ACQUIRING ENTITY'S EQUIPMENT

SECTION 4

Acquiring Entity currently proposes to commence operations with the following equipment but reserves the right to add additional vehicles if the authority is granted: (If additional space is needed, attach a separate sheet listing each vehicle)

Year (Ex. 2016)	Make (Ex. Peterbuilt)	Model (Ex. Tractor or Trailer)	Type (Ex. Vacuum, dump, roll-off, flat bed etc…)

ACQUIRING ENTITY'S TERMINALS AND SERVICE OF PROCESS

SECTION 5

Please check one		
☐ Applicant is located outside of Louisiana and understands if additional authority is granted a LOUISIANA TERMINAL in which operations shall commence, must be established prior to issuance of the certificate. ☐ Applicant proposes to commence operations from the following LOUISIANA TERMINAL/LOCATION(S) as listed below: (If applicant has additional Louisiana terminals or locations, attach a separate sheet listing each location)		
LOUISIANA TERMINAL/LOCATION address:		
City:	State:	ZIP Code:
TERMINALS AND SERVICE OF PROCESS		
OUT OF STATE CARRIERS MUST LIST AGENT FOR SERVICE OF PROCESS BELOW Any carrier domiciled outside of Louisiana and providing the intrastate transportation of waste for disposal in Louisiana shall register the company's name, address and telephone number with the Louisiana secretary of state and the Louisiana Public Service Commission. Service of process with respect to all civil, criminal, or administrative proceedings brought before any court or administrative agency located in the state may be served on the registered agent as filed with the Louisiana secretary of state by any means provided by the applicable rules or procedure for that court or agency providing service of process.		
Agent For Service Of Process Name		
Mailing Address:		
City:	State:	ZIP Code:

BANKRUPTCY, LEVY AND RECEIVERSHIP INFORMATION

SECTION 6

(If additional space is needed, attach a separate sheet for each responses as needed)

1. Is the Certificate or Permit Holder current with inspection and supervision fee reports and payments with the Louisiana Department of Revenue? ☐ NO ☐ YES

Copies of the Certificate or Permit Holder's last 4 quarters of Quarterly Inspection & Supervision Reports filed with the LDR along with proof of payments MUST be attached to this application as ***Exhibit "D".***

2. Is the common carrier certificate or contract carrier permit pledged or otherwise encumbered? ☐ NO ☐ YES*

*If you answered yes to number 2, give the names and addresses of those whose favor the authority is encumbered:

3. Does the Louisiana Department of Revenue and taxation hold a levy against this the common carrier certificate or contract carrier permit?	☐ NO ☐ YES*
*If you answered yes to number 3, attach a copy of the Notice of Levy to this application as an **Exhibit**	
4. Are there any other levies against the common carrier certificate or contract carrier permit?	☐ NO ☐ YES*
*If you answered yes to number 4, attach copies of the levies to this application as an **Exhibit** and list the names and addresses of parties holding the levies; the nature of the levies and amount(s) claimed under each levy below.	
5. Is the Certificate or Permit Holder involved in any bankruptcy proceeding?	☐ NO ☐ YES*
*If you answered yes to number 5, attach a copy of the Notice of Bankruptcy to this application as an **Exhibit** and list the name(s) of counsel for the party(s) with an interest in the common carrier certificate or contract carrier permit below:	
6. Is the Acquiring Entity involved in any bankruptcy proceeding?	☐ NO ☐ YES*
*If you answered yes to number 6, attach a copy of the Notice of Bankruptcy to this application as an **Exhibit** and list the name(s) of counsel for the party(s) with an interest in the common carrier certificate or contract carrier permit below:	

FACTORS FOR CONSIDERATION FOR CHANGE IN CONTROL

SECTION 7

(If additional space is needed, attach a separate sheet for each responses as needed)

1. Please provide details for the history of compliance with regulatory authorities in the state or any other jurisdiction for the Acquiring Entity.

2. Please provide details whether the transfer or change of control is fair and reasonable to the employees of the both the Acquiring Entity and the Certificate or Permit Holder.

3. Please provide details of the impact which the transfer or change in control will have on the management and operations of Acquiring Entity.

4. Has the common carrier certificate or contract carrier permit been dormant? ☐ NO ☐ YES*

**The Commission will not approve the sale, lease, transfer or change in control of a dormant certificate or permit. A dormant certificate/permit is a certificate/permit that has not been substantially operated for the six months prior to the sale, lease, transfer or change in control, other than due to bankruptcy, receivership, or other legal proceedings, or to other causes beyond the carrier's control. Whether a carrier substantially operated a certificate is determined on a case-by-case basis by the administrative law judge, hearing officer, or the Commission. Please provide details you wish for the Commission to consider if the certificate or permit has been dormant:*

VERIFICATION OF CERTIFICATE OR PERMIT HOLDER

SECTION 8

STATE OF _____PARISH/COUNTY OF _____

BEFORE ME, the undersigned authority, _____ (Representative of the Certificate or Permit Holder) who represents_____ _____ (Name of Certificate or Permit Holder Entity) personally came and appeared, who, after being duly sworn, did depose and say that he/she is the APPLICANT in the above application; that he/she desires to transfer its Louisiana Public Service Commission Certificate or Permit; and that he/she has read same and is familiar with the contents thereof and that facts as stated therein are true and correct, and to the best of his/her knowledge. FURTHERMORE, 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 which shows the services to be rendered and the basis for computation of rates, schedules and other required data for certificates or approved contracts for permits; and to file such evidence of insurance or bonds as required by law and by the rules and regulations of the Louisiana Public Service Commission prior to commencement of operations. And understands that the information contained in this application may be shared with the Louisiana Department of Revenue for purposes of Inspection and Supervision Fees.

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 20____

_____

PRINTED NAME OF **APPLICANT** REPRESENTING THE **CERTIFICATE OR PERMIT HOLDER**

_____

SIGNATURE OF **APPLICANT** REPRESENTING THE **CERTIFICATE OR PERMIT HOLDER**

_____ _____

PRINTED NAME OF **NOTARY PUBLIC** SIGNATURE OF NOTARY PUBLIC (including Notary Seal & Number)

VERIFICATION OF ACQUIRING ENTITY

SECTION 9

STATE OF _____PARISH/COUNTY OF _____

BEFORE ME, the undersigned authority, _____ (Representative of the Acquiring Entity) who represents_____ _____ (Acquiring Entity) personally came and appeared, who, after being duly sworn, did depose and say that he/she is the APPLICANT in the above application; that he/she desires to transfer its Louisiana Public Service Commission Certificate or Permit; and that he/she has read same and is familiar with the contents thereof and that facts as stated therein are true and correct, and to the best of his/her knowledge. FURTHERMORE, 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 which shows the services to be rendered and the basis for computation of rates, schedules and other required data for certificates or approved contracts for permits; and to file such evidence of insurance or bonds as required by law and by the rules and regulations of the Louisiana Public Service Commission prior to commencement of operations. And understands that the information contained in this application may be shared with the Louisiana Department of Revenue for purposes of Inspection and Supervision Fees.

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 20___

_____

PRINTED NAME OF **APPLICANT** REPRESENTING THE **ACQUIRING ENTITY**

_____

SIGNATURE OF **APPLICANT** REPRESENTING THE **ACQUIRING ENTITY**

_____ _____

PRINTED NAME OF **NOTARY PUBLIC** SIGNATURE OF NOTARY PUBLIC (including Notary Seal & Number)

LPSC OFFICE USE ONLY

Accepted by Staff _____ Date _____

DOCKET # _____PUBLISHED IN BULLETIN # _____ ON _____
Date