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

APPLICATION FOR STOCK TRANSFER OR CHANGE IN OWNERSHIP GREATER THAN 50% FOR WASTE CERTIFICATES OR PERMITS

Waste Carriers shall seek Commission approval prior to a stock transfer or change in the ownership of the carrier greater than 50% pursuant to Section II of General Order dated October 08, 2019. No motor carrier shall have a change in stock or ownership without prior approval from the Commission and only after a written application, is made, filed and approved.

APPLICATIONS - PROCESS

Applications for a stock transfer or change in the ownership of the carrier greater than 50% 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 must be submitted in **TRIPLICATE** and be accompanied by the following:
(**NOTE**: Any application that does not provide the minimum requirements as listed below will be **REJECTED**.)

☐ Application Filing Fee in the amount **$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.

☐ A copy of the Louisiana Secretary of State's Certificate of Good Standing.

☐ 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.

☐ Financial income statements and balance sheets for the company for the last two complete years. All financials should be marked as **CONFIDENTIAL.**

☐ A complete list of company's equipment.

☐ An Acord Certificate from an insurance company (or agent) stating the required insurance coverage as currently exist.

☐ A complete copy of the company's safety manual either by printed hard copy, flash drive or CD.

☐ 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.

☐ Copies of the last four quarters of the *company's* Inspection & Supervision Fee Reports and proof of payments as required by General Order November 22, 2011.

☐ Copies of the *company'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.

☐ Purchase Agreement or Stock Transfer documents 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:

I. Staff will review the application to ensure that the applicant has submitted evidence to demonstrate the following to the Commission:

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

II. **Publication**: 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 and 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.

III. **Uncontested applications**

A. Upon completion of publication if the application is uncontested, the application shall be reviewed by staff;
B. Once the staff is satisfied that the application is in the public interest and has meet the requirements as outlined in Section I above a letter of non-opposition approving the stock transfer or change in ownership will be issued.
C. If application is approved, a letter of compliance will be sent to the applicant advising of compliance filings required.

IV. **Contested applications**

A. Upon completion of publication if the application is contested, the application shall be assigned to the Administrative Hearings Division for the setting of a status conference(s) and hearing to consider whether the change in control is in the public interest.
B. Once the application has been heard by the Administrative Law Judge (ALJ) an order or recommendation will be issued by the Commission informing the applicant as to the status of their application.
C. If application is approved, a letter of compliance will be sent to the applicant advising of compliance filings required.

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

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BUSINESS ENTITY- APPLICANT INFORMATION

SECTION 1

Name as listed on the Certificate of Permit: (including any doing business as "dba" name)		
DBA:		
Business Entity's Authorized Representative:		
Applicant currently holds Common Carrier Certificate or Contract Carrier Permit Number(s): A copy has been attached to this application as Exhibit "A"		
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# ☐☐-☐☐☐☐☐☐☐

CONFIRM 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 BUSINESS STRUCTURE

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 of Good Standing & Amendments made to the Articles of Incorporation, Organization or Formation along with copies of all amendments and last annual reports if applicable from your state of origin or existence as **"Exhibit B"**. *Foreign Entities must submit copies of the all amendments and last annual report filed with the Louisiana Secretary of State's Office along with a Certificate of Good Standing issued by the Louisiana Secretary of State's Office.

BUSINESS ENTITY- APPLICANT INFORMATION

SECTION 1 (Continued)

List the Names and Titles of all Officers and/or Members and percentage of ownership and/or number of shares (if applicable) **PRIOR** to the transfer.

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

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:

Mailing Address:

City:	State:	ZIP Code:

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

Email Address:

DETAILS OF STOCK TRANSFER OR CHANGE IN OWNERSHIP

SECTION 3

Please attach a copy of the transfer or change in ownership agreement, a certified copy of the corporate resolution authorizing the stock transfer, and the appropriate stock certificate numbers (if applicable), to this application as **Exhibit "C"** and provide the details of the stock transfer or change in ownership below:

(If additional space is needed, attach a separate sheet listing details to Exhibit C)

DETAILS OF STOCK TRANSFER OR CHANGE IN OWNERSHIP

SECTION 3 (Continued)

If the stock transfer is approved, list the Names and Titles of all Officers and/or Members and percentage of ownership and/or number of shares (if applicable) **AFTER** the proposed transfer is complete.

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

EQUIPMENT

SECTION 4

Applicant currently commences operations with the following equipment but reserves the right to add additional vehicles: (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…)

TERMINALS AND SERVICE OF PROCESS

SECTION 5

Please check one

☐ Applicant commences 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:

☐ Applicant is located outside of Louisiana AGENT FOR SERVICE OF PROCESS is listed 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 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 applicant 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:

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.

2. Please provide details whether the change of control is fair and reasonable to the employees of the applicant.

3. Please provide details of the impact which the change in control will have on the management and operations of the applicant.

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 Commission.*

VERIFICATION OF APPLICANT

SECTION 8

STATE OF _____PARISH/COUNTY OF _____

BEFORE ME, the undersigned authority, _____ (Applicant) who represents _____ (Business 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 control greater than 50% in its Common Carrier Certificate or Contract Carrier Permit, he/she represents that the foregoing responses are good, true, and accurate. Applicant acknowledges that should any response be shown to have been either a negligent or intentional misrepresentation of the facts, action taken by the Louisiana Public Service Commission in reliance of the responses contained herein may be declared void ab initio and revocable upon complaint by any interested party or by ex parte motion of the Louisiana Public Service Commission. FURTHERMORE; APPLICANT understands that the information contained in this application may be shared with the Louisiana Department of Revenue for purposes of Inspection and Supervision Fees.

Applicant's signature reflects an understanding of the consequences attributable to misstatements or misrepresentations of fact.

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

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

LPSC OFFICE USE ONLY

Accepted by Staff _____ Date _____

DOCKET # _____PUBLISHED IN BULLETIN # _____ ON _____
Date