# 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

## *COMMON CARRIER OF SALTWATER BY MOTOR VEHICLE*

Procedure and related information for making application to the Louisiana Public Service Commission for a common carrier certificate of saltwater by motor vehicle for disposal**.** Please note the following information is relative to the regulation of saltwater utilized in oil well exploration and production for disposal by motor vehicle by the Louisiana Public Service Commission ("LPSC"). ***THIS AUTHORITY WILL ONLY ALLOW THE TRANSPORTATION OF SALTWATER WHEN CLASSIFIED AS "01" ON THE UIC-28 MANIFEST.*** 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, filed and approved.

**APPLICATIONS – PROCESS & FILINGS REQUIRED PRIOR TO ISSUANCE OF CERTIFICATES**

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 application must be completed, signed and notarized.

- ☐ The original application must be submitted along with:
  - ☐ A letter from an insurance company (or agent) authorized to do business in Louisiana, stating they will write the required insurance coverage for your company. [A Form E, Bodily Injury and Property Damage, (As described in "General Information 1" below) is required and must be made within thirty (30) days from the date application was received by the Commission.]
  - ☐ Applicant's name on the application must be the FULL AND CORRECT LEGAL NAME of the company which should be stated in any one of the following ways.
    - **John Smith**
    - **John Smith dba Smith's Transportation Company** (dba means "doing business as")
    - **Smith's Transportation Company, Inc.** (or any other non-person entity LLC, LTD, LP etc…..) If applicant is a corporation, LLC or LTD must attached:
      - 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.
  - ☐ Applicants domiciled out-of-state must show principal location or locations in Louisiana from which operations will be conducted. If application is granted, such carriers must furnish designation of agent for service of process in Louisiana.
  - ☐ Application filing fee. . . . . $200.00 **NON-REFUNDABLE**
  - ☐ Applicant must submit a Tariff (As Described in General Information 2)
  - ☐ Applicant must complete & submit Form T-44 for registration and purchase of identification stamps for each vehicle in fleet **prior** to operation and include a SEPARATE check for those fees.

# 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. TARIFF (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

## 4. 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 obtained by contacting the LPSC's main office.

## 5. 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.

## 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/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

# *SALTWATER BY MOTOR VEHICLE APPLICATION*

Applicant desires to secure from the Louisiana Public Service Commission a Common Carrier Certificate authorizing applicant to operate as a **COMMON CARRIER OF SALTWATER UTILIZED IN OIL WELL EXPLORATION AND PRODUCTION FOR DISPOSAL IN LOUISIANA *WHEN CLASSIFIED AS "01" ON THE UIC-28 MANIFEST*.**

## BUSINESS ENTITY- APPLICANT INFORMATION

SECTION 1

| | | |
|---|---|---|
| **Business Entity Name:** | | |
| DBA:<br>(Including any doing business as "dba" name) | | |
| 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.**

## BUSINESS ENTITY- APPLICANT INFORMATION

SECTION 1 (Continued)

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 & Managers) | **Ownership** percentage of ownership or number of shares |
|---|---|---|
| | | |
| | | |
| | | |
| | | |
| | | |

## EQUIPMENT

SECTION 2

Applicant proposes to commence operations with the following equipment:
( 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 3

Please check one

☐ Applicant is located outside of Louisiana and understands if 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

SECTION 6 (Continued)

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: |

## VERIFICATION

SECTION 7

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 secure from the Louisiana Public Service Commission a Common Carrier Certificate, authorizing the applicant to operate as a carrier of **Saltwater** as stated; 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; 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** | PRINTED NAME OF **NOTARY PUBLIC** |
| SIGNATURE OF APPLICANT | SIGNATURE OF NOTARY PUBLIC (including Notary Seal & Number) |

**LPSC OFFICE USE ONLY**

Approved by Staff _____ Date _____

# T-44 Form

# Louisiana Public Service Commission

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Transportation Division: (888) 342-5717

| | | |
|---|---|---|
| COMPANY NAME (as shown on application) | | |
| D/B/A (if applicable) | | |
| MAILING ADDRESS | | |
| CITY | STATE | ZIP |
| TELEPHONE NUMBER: | FAX NUMBER: | |
| EMAIL ADDRESS: | | |

| NUMBER OF VEHICLES | PER VEHICLE FEE | AMOUNT | **Intrastate LPSC** Identification Stamp(s) |
|---|---|---|---|
| | $10.00 | $ | Total made payable to: **Louisiana Public Service Commission** |

Louisiana law (LRS 45:169) requires every common and contract motor carrier transporting household goods, waste, or passengers or (LRS 45:180.1(D))operating as a wrecker/tow service under authorities from this commission must be identified, including leased vehicles, by having a current identification stamp affixed to a cab card in the vehicles prior to operation.

No schedule or list of vehicles is required. Stamps are unassigned and should be affixed to an intrastate cab card completed by the carrier with vehicle specific information for each of his vehicles. Carrier may order any number of stamps to provide for current or anticipated needs. A new registration stamp and cab card must be purchased each year.

I, undersigned, under penalty for false statement, do hereby certify that the above information is true and correct and that I am authorized to execute and file this document of behalf of the above applicant. (Federal penalties, maximum of $10,000 or imprisonment for 5 years, or both, 18 U.S.C. 1001: State penalties as prescribed by law)

**Signature & Title** _____ **Date** _____