

LOUISIANA PUBLIC SERVICE COMMISSION

ORDER NO. T-34766

LOUISIANA PUBLIC SERVICE COMMISSION

VS.

DMS MOVING SYSTEMS, INC. (CANTON, MICHIGAN)

Docket No. T-34766, In Re: Alleged violation of La. R.S. 45:161 through 180.1, by operating Intrastate without LPSC authority and by engaging in activities related to moving household goods prior to complying with the requirements of La. R.S. 45:164 (E) and General Order dated May 04, 2017.

(Decided at the May 16, 2018 Business and Executive Session)

I. Background

The Louisiana Public Service Commission (“LPSC” or “Commission”) Staff issued a citation to DMS Moving Systems, Inc. (Canton, Michigan) (“DMS”) for engaging in activities related to moving household goods prior to complying with the requirements of La. R.S. 45:164 (E) and General Order dated May 04, 2017.

In response to a complaint submitted on March 12, 2018, Staff opened an investigation regarding DMS and its business activities. As a result of this investigation, Staff found evidence that DMS conducted an intrastate household goods move from Shreveport, LA to Ruston, LA prior to complying with the requirements of La. R.S. 45:164 (E) and General Order dated May 04, 2017. Staff subsequently issued a citation to DMS in the present docket.

II. Jurisdiction

The Commission exercises jurisdiction over common carriers and public utilities in Louisiana pursuant to Article IV, Section 21(B) of the Louisiana Constitution, which states:

“The commission 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.”

Pursuant to this authority, the Commission has issued General Order dated May 4, 2017, which provides for the requirements a household goods carrier must satisfy to operate within the State of Louisiana.

Further, LA. R.S. 45:164(E) provides that “[a]ll intrastate movers of household goods shall be required to apply for and secure a common carrier certificate from the Louisiana Public Service Commission ... prior to engaging in any activities related to moving household goods.”

III. Stipulation

In response to the citation, DMS signed an Affidavit and Stipulation admitting to the violation and agreed to a fine of \$10,000.00 fine, with \$5,000.00 of the fine suspended conditioned on DMS not being found guilty, entering a plea of guilty, or entering a plea of no contest to any additional violations related to the moving of household goods in Louisiana for a period of five years. DMS agreed that the fine of \$5,000.00, together with a \$25.00 citation fee, for a total of \$5,025.00 would be paid by certified funds no later than May 15, 2018.

DMS also agreed in the Affidavit and Stipulation to the following:

- To cease operations as a household goods mover in Louisiana until such time that DMS obtains a Certificate of Authority to transport household goods from the Louisiana Public Service Commission; and,
- Further, DMS understands that failure to comply with any of the requirements set forth in the Affidavit and Stipulation will result in the \$5,000 suspended portion of the fine becoming due immediately.

IV. Commission Action

On motion of Chairman Skrmetta, seconded by Vice Chairman Francis, and unanimously adopted, the Commission voted to assert its original and primary jurisdiction and take the matter up pursuant to Rule 57.

On motion of Chairman Skrmetta, seconded by Vice Chairman Francis, and unanimously adopted, the Commission voted to accept the Affidavit and Stipulation executed by the Carrier.

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IT IS THEREFORE ORDERED THAT:

1. The Affidavit and Stipulation executed April 24, 2018, for fines and fees totaling \$5,025.00 is accepted; and
2. This Order is effective immediately.

**BY ORDER OF THE COMMISSION
BATON ROUGE, LOUISIANA**

June 13, 2018



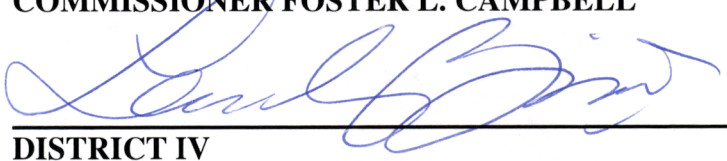
**DISTRICT I
CHAIRMAN ERIC F. SKRMETTA**



**DISTRICT III
VICE CHAIRMAN MIKE FRANCIS**



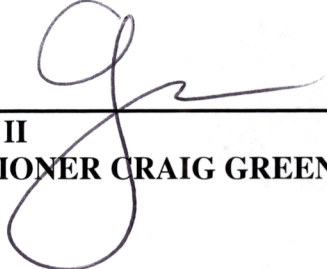
**DISTRICT V
COMMISSIONER FOSTER L. CAMPBELL**



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COMMISSIONER LAMBERT C. BOISSIERE, III**



**BRANDON M. FREY
SECRETARY**



**DISTRICT II
COMMISSIONER CRAIG GREENE**