

LOUISIANA PUBLIC SERVICE COMMISSION

ORDER NO. T-32956

LOUISIANA PUBLIC SERVICE COMMISSION V. KAMINSKI & BLACK INC. DBA
ACE SOUTHWEST MOVING AND STORAGE (AUSTIN, TEXAS)

Docket Number T-32956 – In Re: Alleged violation of Louisiana Revised Statutes Title 45:161 through 180.1 as amended, by operating Intrastate without LPSC authority; allegedly occurring on or about August 21, 2013 through August 25, 2013.

(Decided at the January 13, 2014 Business and Executive Meeting)

Background

In August 2013, the Louisiana Public Service Commission Staff (“Commission Staff”) received a complaint from a certificated household goods carrier that an unlicensed out of state household goods company was performing a move within Louisiana. Upon information and belief as stated by the complainant, Kaminski & Black, Inc. dba Ace Southwest Moving & Storage (“Ace Southwest”) was performing a substantial movement of household goods from Baton Rouge to Monroe. Further, Transportation Staff was notified that Ace Southwest was instructed by the registered carrier/complainant that a LPSC certificate was required to perform the subject move. Despite the warning and advice, Ace Southwest continued to perform the moving operations.

On August 21, 2013, continuing for multiple days, an Enforcement Agent of the Commission Staff witnessed Ace Southwest illegally performing household goods moving operations in violation of La. R.S. 45:161 et seq. As a result, violations were issued on site and Ace Southwest was sent a Citation to appear at a hearing on November 7, 2013, directing the Carrier to show cause why it should not be found guilty of violating Louisiana Revised Statutes Title 45:161 through 180.1 as amended, by operating intrastate without authority. Notice of this proceeding was published in the Commission’s Official Bulletin dated September 13, 2013.

Commission Staff continued its investigation into the facts and circumstances surrounding the household goods moving operations that occurred in August 2013. As part of the investigation, Commission Staff spoke by conference call with the owner and principal of Ace Southwest and separately met with the complaining party. The owner/principal of Ace Southwest acknowledged the violations on behalf of his company and offered the explanation that his operations department was notified of the necessity to obtain LPSC authority but chose to disregard that information. It was further acknowledged that the fine would correlate with the

invoiced amount of the household goods move. Staff reviewed the invoiced amount of the move, taking into consideration the invoice amount, the expenses incurred by Ace Southwest, and unregulated packing services charges, to reach a stipulated agreement with a fine of \$10,000.00 with \$2,500.00 suspended, or \$7,525.00 (\$25.00 Citation fee) owed to the Commission. This resolution was discussed with Ace Southwest and the complainant and no objections were raised. Ace Southwest further acknowledged it would not perform any further intrastate operations in Louisiana without obtaining LPSC authority. In the event that Ace Southwest is cited again in Louisiana for intrastate operations without LPSC authority, the suspended fine of \$2,500.00 would be owed to the Commission in addition to any additional fines incurred.

By stipulation and agreement signed December 4, 2013, the Carrier agreed to plead guilty and admit that it had violated Louisiana Revised Statutes Title 45:161 through 180.1 as amended, by operating intrastate without authority. The Carrier waived its right to a hearing and agreed to pay a fine of \$10,000.00 with \$2,500.00 suspended, conditioned on not committing any additional violations for one (1) year from the date of the agreement, along with a citation fee of \$25.00, for a total of \$7,525.00 to be paid to the Commission.

Staff Recommendation

Commission Staff recommended that the Commission exercise its original and primary jurisdiction herein under Rule 57 and approve the agreement between Staff and the Carrier of December 4, 2013, wherein the Carrier agreed to plead guilty and admit that it had violated Louisiana Revised Statutes Title 45:161 through 180.1, as amended. Further, Staff recommended that the Commission authorize and approve the fine of \$10,000.00 with \$2,500.00 suspended, conditioned on the Carrier not committing any additional violations for one (1) year from the date of the agreement, along with a citation fee of \$25.00, for a total of \$7,525.00 to be paid to the Commission.

Commission Action

This matter was considered by the Commission at the Business and Executive Session held on January 13, 2014. On motion of Commissioner Skrmetta, seconded by Commissioner Holloway, and unanimously adopted, the Commission voted to assert its original and primary jurisdiction and take this matter up pursuant to Rule 57.

On motion of Commissioner Skrmetta, seconded by Commissioner Angelle, and unanimously adopted, the Commission voted to approve the fine of \$10,000.00 with \$2,500.00 suspended, conditioned on the Carrier not committing any additional violations for one (1) year from the date of the agreement, along with a citation fee of \$25.00, for a total of \$7,525.00 to be paid to the Commission.

IT IS THEREFORE ORDERED:

That the Guilty Plea entered into by Kaminski & Black, Inc. dba Ace Southwest Moving & Storage to the allegations that it violated Louisiana Revised Statutes Title 45:161 through 180.1 as amended, is hereby accepted. Accordingly, all conditions of the stipulated agreement dated December 4, 2013, are hereby given effect.

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

February 12, 2014

/S/ ERIC F. SKRMETTA
DISTRICT I
CHAIRMAN ERIC F. SKRMETTA

/S/ CLYDE C. HOLLOWAY
DISTRICT IV
VICE CHAIRMAN CLYDE C. HOLLOWAY

/S/ FOSTER L. CAMPBELL
DISTRICT V
COMMISSIONER FOSTER L. CAMPBELL

/S/ LAMBERT C. BOISSIERE
DISTRICT III
COMMISSIONER LAMBERT C. BOISSIERE, III


EVE KAHAO GONZALEZ
SECRETARY

/S/ SCOTT A. ANGELLE
DISTRICT II
COMMISSIONER SCOTT A. ANGELLE