

LOUISIANA PUBLIC SERVICE COMMISSION

ORDER NO. T-35798

**LOUISIANA PUBLIC SERVICE COMMISSION
VS.
METRO MOVING, LLC**

Docket No. T-35798, In Re: Alleged violation of La. R.S. 45:161 through 180.1, by engaging in activities related to moving household goods while Common Carrier Certificate number 7596 under voluntary suspension pursuant to General Order dated November 02, 1987, having occurred on or about July 23, 2020.

(Decided at the February 24, 2021 Business and Executive Session)

I. Background

The Louisiana Public Service Commission (“LPSC” or “Commission”) Staff (“Staff”) issued a citation to Metro Moving, LLC (“Metro Moving”) for violating the provisions of La. R.S. 45:161 through 180.1 by engaging in activities related to moving household goods while its Common Carrier Certificate No. 7596 was under voluntary suspension pursuant to the Commission’s General Order dated November 02, 1987, occurring on or about July 23, 2020.

In response to a complaint, Staff opened an investigation regarding Metro Moving and its business activities. As a result of this investigation Staff found evidence that Metro Moving was operating as a mover of household goods despite suspension of its operating authority per the Company’s request for voluntary suspension pursuant to the Commission’s General Order dated November 02, 1987. Staff subsequently issued a citation to Metro Moving in the present docket.

II. Jurisdiction and Applicable Law

The Commission exercises jurisdiction in this proceeding pursuant to Article IV, Section 21 of the Louisiana Constitution, which provides in pertinent part:

The commission shall regulate all common carriers and public utilities and shall have other such 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 required by law.

Pursuant to this authority, the Commission issued the General Order dated November 02, 1987 which established guidelines and procedures by which a motor carrier operating intrastate pursuant to a common or contract carrier certificate or other operating permit, may request voluntary suspension of such certificate or permit prior to cancellation for failure to operate. The Order generally requires submission of an application stating the reason for the requested voluntary suspension as well the desired duration of the suspension, and other relevant information.

Further, L.A. 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, Mr. Anthony Caruso, Owner of Metro Moving, executed an Affidavit and Stipulation admitting to the violation and agreeing to a fine of \$2000 with \$1,000 of the fine suspended, conditioned on the following:

1. Metro Moving not committing any additional violations for a period of one year from the date of executed stipulated agreement; and
2. Metro Moving ceasing all operations while Common Carrier Certificate No. 7596 is suspended.

Metro Moving further agreed to remit payment of the fine to the Commission in four monthly installments pursuant to a payment plan with the first payment of \$275.00 being due on February 1, 2021 and the final payment becoming due on May 3, 2021. The carrier also agreed that failure to remit the aforementioned payments by the agreed-upon due dates would result in the entire fine, including the \$1,000 suspended portion, becoming due immediately.

IV. Commission Action

This matter was considered at the Commission's February 24, 2021 Business and Executive Session. On motion of Commissioner Francis, seconded by Vice Chairman Skrmetta, with Chairman Greene and Commissioner Campbell concurring, and Commissioner Boissiere temporarily absent, the Commission voted to assert its original and primary jurisdiction and take the matter up pursuant to Rule 57 of the Rules of Practice and Procedure of the LPSC.

On motion of Vice Chairman Skrmetta, seconded by Commissioner Francis, with Chairman Greene and Commissioner Campbell concurring, and Commissioner Boissiere temporarily absent, the Commission voted to accept the Affidavit and Stipulation executed on January 29, 2021.

THEREFORE, IT IS ORDERED:

1. The Affidavit and Stipulation executed on January 29, 2021 for fines and fees totaling \$1,025.00 is accepted; and
2. This Order is effective immediately.

BY ORDER OF THE COMMISSION
BATON ROUGE, LOUISIANA
March 11, 2021



BRANDON M. FREY
SECRETARY

/S/ CRAIG GREENE

DISTRICT II
CHAIRMAN CRAIG GREENE

/S/ ERIC F. SKRMETTA

DISTRICT I
VICE CHAIRMAN ERIC F. SKRMETTA

/S/ FOSTER L. CAMPBELL

DISTRICT V
COMMISSIONER FOSTER L. CAMPBELL

/S/ LAMBERT C. BOISSIERE, III

DISTRICT III
COMMISSIONER LAMBERT C. BOISSIERE, III

/S/ MIKE FRANCIS

DISTRICT IV
COMMISSIONER MIKE FRANCIS