LOUISIANA PUBLIC SERVICE COMMISSION

ORDER NUMBER T-37118

LOUISIANA PUBLIC SERVICE COMMISSION
VERSUS
NOLA MOVING, LLC

Docket No. T-37118, In re: Alleged violation of La. R.S. 45:161 through 180.1, 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 March 16, 2021 and for failure to comply with the requirements of General Order dated April 3, 2008 as amended.

(Decided at the June 19, 2024 Business and Executive Session.)

ORDER

Overview

The Louisiana Public Service Commission ("LPSC" or "Commission") issued a citation dated February 29, 2024 to Nola Moving, LLC ("Nola Moving" or the "Carrier") directing the Carrier to appear at a hearing on May 9, 2024 to show cause why it should not be found guilty as alleged. The citation was docketed as the instant proceeding and notice of this proceeding was published in the Commission's *Official Bulletin* dated March 1, 2024. A hearing was convened on May 9, 2024, at which the Commission Staff appeared through counsel and presented testimonial and documentary evidence in support of its allegations. The Carrier failed to appear and present a defense. For the reasons stated herein, we find Nola Moving guilty as alleged.

The *Recommendation of the Administrative Law Judge* ("Recommendation") was issued in the form of a *Draft Order* on May 28, 2024. The Recommendation was considered at the Commission's Business and Executive Session held on June 19, 2024. On motion of Vice Chairman Lewis, seconded by Commissioner Campbell and unanimously adopted, the Commission voted to accept the Recommendation.

Applicable Law

The Commission's jurisdiction over common carriers is established by Article 4, Section 21 of the Louisiana Constitution of 1974, which provides in pertinent part:

> The commission shall regulate all common carriers 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.

Louisiana statutes more specifically describe the powers of the Commission over motor carriers operating intrastate, including household goods movers. La. R.S. 45:161 declares that the business of operating motor vehicles for hire is a "business affected with a public interest," and La. R.S. 45:163 provides that "[t]he Commission has the power and authority necessary to supervise, govern, regulate, and control motor carriers . . . which transport household goods, passengers, or waste and to fix reasonable and just rates, fares, tolls, or charges for the commodities furnished or services rendered by such motor carriers." La. R.S. 45:162 defines "[c]ommon carrier by motor vehicle" as any person . . ., the essential nature of whose business comprises engaging in, soliciting, or accepting household goods, . . . for intrastate transportation for hire, charge or compensation as an employment or holding himself out as so available to the public generally and indiscriminately for such business, . . ."[1]

La. R.S. 45:164(E)(l) provides, in part, that "[a]ll intrastate movers of household goods shall be required to apply for and secure a common carrier certificate from the Louisiana Public

[1] La. R.S. 45:162(5(a).

Service Commission . . . prior to engaging in any activities related to moving household goods." The Commission's *General Order* dated March 16, 2021[2] ("2021 General Order") establishes specific rules and regulations governing household goods carriers, including the requirement that they secure a registration permit from the Commission prior to operating. The 2021 General Order enumerates the prerequisites for securing a registration permit and declares that any person found guilty of violating the 2021 General Order shall be fined in accordance with the provisions of La. R.S. 45:171. La. R.S. 45:171 provides that anyone who violates the provisions of Chapter 4 of Title 45, including La. R.S. 45:l64(E)(l), "shall be fined by the [C]ommission at open hearing not less than one hundred dollars nor more than ten thousand dollars for each violation."

The Commission's *General Order* dated April 3, 2008,[3] amended by the Commission's *General Order* dated August 21, 2008[4] (collectively, "2008 General Order"), requires household goods carriers to include their legal and/or registered name, physical address and LPSC certificate number in all advertising. Failure to include the required information shall be subject to revocation of the household goods carrier's authority and/or a fine of not less than $100, nor more than $10,000, after notice and hearing.

The Commission's *General Order* dated June 7, 2006 authorizes the imposition of a $25 citation fee when a citation is issued to a Commission-jurisdictional motor carrier.

The Commission Staff's Case

At the hearing, the Commission Staff alleged that Nola Moving engaged in activities related to moving household goods prior to complying with La. R.S. 45:164(E) and the 2021 General Order, and that Nola Moving failed to comply with the 2008 General Order. Commission Staff seeks an order finding the Carrier guilty as alleged and assessing a $1,000 fine and a $25 citation fee. In support of its allegations, the Commission Staff presented the testimonies of Enforcement Agent Chad Domingue and Transportation Administrator Tammy Burl. Agent Domingue provided testimony regarding his investigation of Nola Moving. Ms. Burl testified regarding the investigation, the Commission's issuance of a citation, and the desired outcome sought by the Commission Staff in this matter.

Testimony of Chad Domingue

Agent Domingue provided an overview of his duties at the LPSC, including investigating complaints regarding motor carriers and the documents he reviews when investigating complaints, specifically regarding household goods movers. Agent Domingue testified that he is familiar with La. R.S. Title 45, the 2021 General Order, and the 2008 General Order. Agent Domingue advised that he investigated Nola Moving at the request of Ms. Burl.

Agent Domingue identified a printout dated January 9, 2024 from the website https://www.nola-moving-504.com and testified that the printout: contains the Carrier's name, email address and phone number; states that the Carrier provides packing, unpacking, unloading, and wrapping; states that the Carrier provides pod loading and unloading; and, contains a link to request a quote. Agent Domingue advised that he reviewed the website on or about January 9,

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[2] *Order Number 3-16-2021 (R-35848),* (Docket No. R-35848, *In re Possible amendments to the General Order dated May 4, 2017 regarding Commission approval for Household Goods Carriers operating as Transportation Service Providers for the United States Department of Defense to include affiliated companies on their Common Carrier Certificates while operating under Tender of Service Agreements with the United States Department of Defense's Non-temporary Storage Program*.).

[3]*General Order* dated April 3, 2008 (Docket No. R-30507[,] *In re: An Order by the Commission requiring all household goods carriers, operating intrastate in Louisiana, to include their legal and/or registered name, physical address and Louisiana Public Service Commission certificate number in all advertising, including but not limited to all telephone directory advertising and to provide for the disconnection of telephone service (wireline, wireless or any other technology) of any household goods carrier, which violates the order.).*

[4] *General Order* dated August 21, 2008 (Docket No. R-30507)[,] *In re: An Order by the Commission requiring all household goods carriers, operating intrastate in Louisiana, to include their legal and/or registered name, physical address and Louisiana Public Service Commission certificate number in all advertising, including but not limited to all telephone directory advertising and to provide for the disconnection of telephone service (wireline, wireless or any other technology) of any household goods carrier, which violates the ord*er.) which amends *General Order* dated April 3, 2008.

2024, and that the website included customer reviews, though there were no customer reviews in the printout.

Agent Domingue identified a second printout dated January 9, 2024, that he stated was of the Carrier's Facebook page. Agent Domingue testified that the printout: contains the Carrier's name, logo, phone number, address and email address; states that the entity was founded in 2016; states that it is a local, family-owned and operated moving company; states that Nola Moving provides packing, moving, unloading, and loading services; and, states that it provides services in the areas of New Orleans, Harahan, Baton Rouge and Slidell. Agent Domingue initially testified that the Facebook page printout contained customer reviews, but later clarified that the Facebook page he reviewed contained reviews though the printout itself did not include any customer reviews.[5] Agent Domingue stated that the Facebook page does not include any reference to an LPSC certificate number.

Agent Domingue next identified a printout he asserted was of the Carrier's Instagram page containing: the Carrier's name, logo (matching that on the website), phone number, and email address (matching that on the website); photos; posts inviting customers to call for services; and, posts advertising services in New Orleans and surrounding areas (Baton Rouge, Slidell, Covington, Mandeville, Zachary, Metairie, Kenner, New Orleans East and Belle Chase).

Agent Domingue explained that after reviewing the various web pages, he searched for Nola Moving on the Louisiana Secretary of State website and identified a printout of the Louisiana Secretary of State Commercial Division business records for Nola Moving. Agent Domingue testified that the printout lists 51563 Antioch Road, Apt. B17, Tickfaw, LA 70466 as the domicile and mailing address for Nola Moving as well as the address for its registered officer, Ricky Naquin. Additionally, Agent Domingue testified that the printout lists Nola Moving's registered agent, Corporate Service Center, Inc., 1340 Poydras St., Ste. 1770, New Orleans, LA 70112-5204.

Agent Domingue testified that after reviewing the Secretary of State information, he mailed correspondence to Nola Moving instructing it to cease advertising as a household goods mover, to immediately remove all advertising referencing household goods moving, to obtain an application for moving household goods, and to submit the application by February 20, 2024. Agent Domingue testified further that he mailed the correspondence on February 2, 2024[6] to 51563 Antioch Road, Apt. B17, Tickfaw, LA 70466 and via email to NolaMovingla@gmail.com - an email address he noted was listed on the Carrier's Facebook page.

Agent Domingue stated that the Carrier did not file an application by the February 20, 2024 deadline and, to his knowledge, Nola Moving does not have a common carrier certificate or authorization from the Commission to transport household goods. Agent Domingue concluded from his investigation that Nola Moving was in violation of the 2021 General Order and the 2008 General Order and referred his findings to Ms. Burl to issue a citation to Nola Moving. Agent Domingue asserted that, to his knowledge, the website, Facebook page, and Instagram page were still active when he referred his findings to Ms. Burl; however, as of the date of the hearing, the Facebook and Instagram pages remained active, but the Carrier's website was not.

In conjunction with his testimony, Agent Domingue identified the following exhibits which were admitted:

Staff Exhibit 1	A copy of a printout dated January 9, 2024 from https://www.nola-moving-504.com.
Staff Exhibit 2	A copy of a printout dated January 9, 2024 from https://www.facebook.com/Nolamoving/.

[5] H'ing Tr. 12:6-14.

[6] Agent Domingue testified that Commission Staff initially sent correspondence to the Carrier dated December 11, 2023, but that the application deadline therein was erroneously stated as January 8, 2023. Therefore, the correspondence was re-sent on February 2, 2024 as "corrected" with an application deadline of February 20, 2024. (H'ing Tr. 9:9-14 and Staff Exhibit 5, *in globo.*)

Staff Exhibit 3	A copy of a printout dated January 9, 2024 from https://www.instagram.com/nola_moving/?hl=en.
Staff Exhibit 4	A copy of an undated printout from the Louisiana Secretary of State Commercial Division website containing business information for Nola Moving, LLC. And,
Staff Exhibit 5, *in globo*	Copies of the following correspondence on Commission Transportation Division letterhead bearing the signature of Chad Domingue, Enforcement Agent, addressed to Nola Moving, LLC with the subject line "Re: Advertising without LPSC authority": • Correspondence dated December 11, 2023 • Correspondence dated February 2[,] 2024 noted as "corrected".

Testimony of Tammy Burl

Ms. Burl testified that as Transportation Administrator she supervises the day-to-day operations of the Commission's Transportation Division, including supervising investigations into complaints regarding household goods movers. Ms. Burl testified further that her duties include issuing citations to entities if Commission Staff determines that those entities have violated the Commission's applicable rules and regulations. Ms. Burl testified specifically to the 2008 General Order requirement that household goods movers include their LPSC number in all advertising. Ms. Burl stated that she reviewed Agent Domingue's investigation into Nola Moving and determined that Nola Moving was advertising without having registered for authority with the Commission warranting issuance of a citation.

Ms. Burl identified the printout from the Louisiana Secretary of State's Commercial Division website for Nola Moving and confirmed the Carrier's mailing and registered agent's addresses contained therein. Ms. Burl testified that she issued a citation to Nola Moving on February 29, 2024, which directs the Carrier to appear at a hearing on May 9, 2024. Ms. Burl described the attachments she included with the citation. Ms. Burl stated that she mailed the citation via certified mail to both the Carrier's address listed with the Secretary of State's office - 51563 Antioch Road, Apt. B[7], Tickfaw, LA, 70466 and to its registered agent, Corporate Service Center, Inc., at the address listed with the Secretary of State's office - 1340 Poydras St., Ste. 1770, New Orleans, LA, 70112-5204.

Ms. Burl testified that the Commission received a signed return receipt for the certified mail sent to the Carrier's registered agent indicating that it was delivered on March 8, 2024. Ms. Burl identified the receipt received by the Commission on March 14, 2024 with the tracking number ending in 5421, stating that that the numbers match the last four numbers of the certified mail receipt shown on the citation for the mailing to Corporate Service Center, Inc.

Per Ms. Burl, as of the date of the hearing, Nola Moving had not submitted the appropriate documents to obtain an LPSC number. Ms. Burl testified that the Commission Staff is seeking that the Commission assess a $1,000 fine and a $25 citation fee. In support of the fine amount, Ms. Burl averred that Commission Staff has requested a $1,000 fine for a first offense in many other cases, but did not provide any specific references to previous cases.

In conjunction with her testimony, Ms. Burl identified the following documents which were admitted:

Staff Exhibit 6, *in globo*	A copy of the citation issued to Nola Moving, LLC on February 29, 2024 with attachments (copies of the documents admitted as Staff Exhibits 1 through 5, *in globo* listed above). And,
Staff Exhibit 7	A copy of the front and back of a certified mail return receipt, addressed to Corporate Service Center, Inc. with the USPS certified

[7] Both the address as stated in Ms. Burl's testimony and the address as printed on the citation omit the specific apartment number, 17, in Nola Moving's address. (H'ing Tr. 18:20-19:2 and Staff Exhibit 6, *in globo.*)

mail tracking number 7002 2030 0002 6570 5421, and in the "Complete this Section on Delivery" section a printed name, a checkmark in the box marked "Agent", a signature and a date of delivery of "03/08/24"; and, stamped received by the Commission on March 14, 2024.

At the conclusion of its testimony and evidence, Commission Staff reiterated the outcome it is seeking in this matter - that Nola Moving be found guilty as alleged and ordered to pay a $1,000 fine and a $25 citation fee.

Findings of Fact and Conclusions of Law

Having considered applicable law and the evidence presented in this case, the Commission makes the following findings of fact and conclusions of law:

Findings of Fact

1. Nola Moving does not have Commission authority to operate as an intrastate household goods mover.

2. Commission Staff conducted an investigation resulting in the issuance of a citation to Nola Moving.

3. As of at least September 15, 2023, Louisiana Secretary of State records specify that Nola Moving:
    a. initially registered on September 15, 2023;
    b. was active and in good standing;
    c. last filed a report on September 15, 2023;
    d. lists 51563 Antioch Road, Apt. B17, Tickfaw, LA 70466 as its domicile and mailing address;
    e. lists Ricky Naquin as its officer (Manager) at the same address as the domicile and mailing address; and,
    f. lists Corporate Service Center, Inc., 1340 Poydras St., Ste. 1770, New Orleans, LA 70112-5204 as its registered agent.

4. Between January 9, 2024 and May 9, 2024, Nola Moving advertised intrastate household goods moving services for hire on the following websites/webpages:
    a. https://www.nola-moving-504.com;
    b. https://www.facebook.com/Nolamoving/; and,
    c. https://www.instagram.com/nola_moving/?hl=en.

5. Printouts from https://www.nola-moving-504.com, https://www.facebook.com/Nola moving/ and https://www.instagram.com/nola_moving/?hl=en (admitted as Staff Exhibits 1, 2, and 3 respectively) do not contain an LPSC certificate number. The Facebook page for Nola Moving (https://www.facebook.com/Nolamoving/) does not contain an LPSC certificate number. (H'ing Tr. 5:18-20.)

6. On December 11, 2023, Agent Domingue sent correspondence to Nola Moving advising that Nola Moving was advertising as a household goods mover without the requisite LPSC authority pursuant to the 2021 General Order. The letter further advises that the Commission will issue a citation if Nola Moving does not submit an application on or before January 8, 2023. The letter was sent to Nola Moving via USPS regular mail at 51563 Antioch Road, Apt. B17, Tickfaw, LA 70466 and to NolaMovingla@gmail.com.

7. On February 2, 2024, Agent Domingue sent Nola Moving a corrected version of the December 11, 2023 letter with a corrected application deadline of February 20, 2024. The letter was sent to Nola Moving via USPS regular mail at 51563 Antioch Road, Apt. B17, Tickfaw, LA 70466 and to NolaMovingla@gmail.com.

8. On February 29, 2024, Ms. Burl issued a citation, with attachments, to Nola Moving. The citation directs Nola Moving to appear at a hearing on May 9, 2024 to show cause why it should not be found guilty as alleged and for further orders as may be deemed necessary.

9. Ms. Burl mailed the citation with attachments via certified mail return receipt requested to Nola Moving's registered agent, Corporate Service Center, Inc., at 1340 Poydras St., Ste. 1770, New Orleans, LA 70112-5204 (certified mail return receipt number 7002 2030 0002 5421).

10. On March 14, 2024, the Commission received the signed return receipt (receipt number 7002 2030 0002 5421) for the certified mail sent to Nola Moving's registered agent, Corporate Service Center, Inc., indicating that the certified mail was claimed on March 8, 2024.

11. Nola Moving did not appear at the hearing on May 9, 2024 and present a defense.

Conclusions of Law

1. At the hearing in this matter, the Commission Staff had the burden of proving its allegations against Nola Moving. Because Nola Moving did not appear at the hearing, the Commission Staff also had the burden of demonstrating that the Carrier was provided fair notice of the hearing and the opportunity to present a defense. [8]

2. Pursuant to its constitutional and statutory authority, the Commission adopted the *Rules of Practice and Procedure*. Commission Rules 7 and 19 provide for notice of non-criminal proceedings through publication in the Commission's *Official Bulletin*, as well as service "through any means whereby proof of receipt or unclaimed status can be shown" to "the last known place of address of the person entitled to receive such notice . . ."[9]

3. La. R.S. 45:164(E)(1) provides that intrastate movers of household goods must obtain authority from the Commission "prior to engaging in any activities related to moving household goods." The Commission's 2021 General Order establishes specific rules and regulations governing household goods carriers, including the requirement that they secure a registration permit from the Commission prior to operating. The 2021 General Order enumerates the prerequisites for securing such a registration permit, and declares that any person found guilty of violating the 2021 General Order shall be fined in accordance with the provisions of La. R.S. 45:171. The Commission's 2008 General Order requires household goods carriers operating intrastate to include a Commission certificate number in all advertising.

4. In accordance with Commission Rules 7 and 19, the Commission's Transportation Division sent the citation with attachments via certified mail return receipt requested to Nola Moving's registered agent, Corporate Service Center, Inc. The signed certified mail return receipt for the certified mail to Corporate Service Center, Inc. indicates that the citation was delivered on March 8, 2024 providing actual notice. The record demonstrates that Nola Moving had fair notice of the hearing date and that Nola Moving was provided a fair opportunity to present a defense at the hearing.

5. The Commission Staff provided testimonial and documentary evidence proving its allegations in this matter. Commission Staff proved that Nola Moving violated La. R.S. 45:164(E)(1) and the 2021 General Order by engaging in activities related to moving household goods - by holding itself out as an intrastate household goods carrier in online advertisements - without first having obtained authority from the Commission to operate as a household goods carrier. Commission Staff proved that online advertising, specifically on Facebook, did not list a Commission certificate number in violation of the 2008 General Order. Nola Moving did not appear at the hearing to present any defense to Commission Staff's allegations despite notice of the hearing date and the allegations.

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[8] E.g., *Order No. T-36678* dated December 12, 2023 at 10, Louisiana Public Service Commission v. Clark Moving Specialists, LLC (Docket No. T-36678, In re: Alleged violation of La. R.S. 45:161 through 180.1, 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 March 16, 2021 and for failure to comply with the requirements of General Order dated April 3, 2008 as amended.).

[9] *Special Order No. 72-2021* dated November 22, 2021, Louisiana Public Service Commission, ex parte, *In re: Possible implementation of Interim Rule 7 of the Commission's Rules of Practice and Procedure (Service of Process) and possible revision to the Commission's Rules*.

6. In accordance with R.S. 45:171, the 2021 General Order, and the 2008 General Order, a carrier that violates the requirements of Title 45 and/or the 2021 and 2008 General Orders is subject to a fine of not less than $100 and not more than $10,000. The Commission's practice has been to consider each case on its own merits, taking into consideration the magnitude of the offense, the carrier's history of compliance, the carrier's cooperation in the investigation, the impact of the offense on regulated carriers, the impact of the offense on the public, and the existence of any reasonable defense. In this case, the Commission Staff requested a $1,000 fine asserting that it is Nola Moving's first offense and a $1,000 fine is typical in such cases. Having considered the factors enumerated above and previous Commission orders, namely *Order No. T-36703* and *Order No. T-34258,* we find the $1,000 fine reasonable.

7. Commission Staff also requested that Nola Moving be required to pay a $25 citation fee in accordance with the Commission's *General Order* dated June 7, 2006. We find the $25 citation fee is warranted.

Conclusion

In accordance with the findings of fact and conclusions of law stated above,

IT IS HEREBY ORDERED that:

1. Nola Moving, LLC is guilty of violating La. R.S. 45:164(E)(1) by engaging in activities related to moving household goods intrastate prior to complying with the requirements of La. R.S. 45:164(E)(1) and the Commission's *General Order* dated March 16, 2021.

2. Nola Moving, LLC is guilty of violating the Commission's *General Order* dated April 3, 2008, as amended by the Commission's *General Order* dated August 21, 2008, by failing to include a Commission certificate number in its advertising.

3. Pursuant to La. R.S. 45:171, the Commission's *General Order* dated March 16, 2021, and the Commission's *General Order* August 21, 2008, Nola Moving, LLC is fined $1,000. And,

4. Pursuant to the Commission's *General Order* dated June 7, 2006, Nola Moving, LLC is assessed a $25 citation fee.

BY ORDER OF THE COMMISSION
BATON ROUGE, LOUISIANA

July 10, 2024

LOUISIANA PUBLIC SERVICE COMMISSION

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CHAIRMAN MIKE FRANCIS

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DISTRICT III
VICE CHAIRMAN DAVANTE LEWIS

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