

LOUISIANA PUBLIC SERVICE COMMISSION

ORDER NUMBER T-36184

SUPERMOVERS, LLC,
EX PARTE

Docket No. T-36184, In re: Alleged violation of 1) La. R.S. 45:161 through 180.1, by operating Intrastate without LPSC authority; 2) 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; 3) for failure to comply with the requirements of General Order dated April 3, 2008 as amended and 4) contempt of Commission Order No. T-34258.

(Decided at the April 27, 2022 Business and Executive Session.)

ORDER

Overview

The Louisiana Public Service Commission (“LPSC” or “Commission”) issued a citation to Supermovers, LLC (“Supermovers” or the “Carrier”) directing the Carrier to appear at a hearing to show cause why Supermovers should not be found guilty of violating La. R.S. 45:161 through 180.1 by (1) operating intrastate without LPSC authority; (2) engaging in moving household goods prior to complying with the requirements of La. R.S. 45:164 (E) and General Order dated March 16, 2021; (3) for failure to comply with the requirements of General Order dated April 3, 2008; and 4) contempt of Commission Order No. T-34258.

A hearing was convened, at which time the Commission Staff appeared through counsel who presented the testimony of multiple witnesses. The Carrier failed to appear and present a defense. For the following reasons, we find the Carrier guilty of the guilty of violating La. R.S. 45:164(E) and the Commission’s General Orders dated April 3, 2008 and March 16, 2021.

The Administrative Law Judge issued a Recommendation in the form of a Draft Order on March 31, 2022. The Recommendation was considered at the Commission’s Business and Executive Session held on April 27, 2022. On motion of Commissioner Skrmetta, seconded by Commissioner Greene, and unanimously adopted, the Commission voted to accept the Recommendation of the Administrative Law Judge filed into the record on March 31, 2022.

Applicable Law

Article IV, Section 21 of the Louisiana Constitution of 1974 mandates that the Commission:

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.

In addition, La. R.S. 45:163 provides that “[t]he [C]ommission has the power and authority necessary to supervise, govern, regulate, and control motor carriers...which transport household goods, passengers, or waste intrastate.” La. R.S. 45:164(E)(1) provides, in part, that “[a]ll intrastate movers of household goods shall be required to apply for and secure a registration permit from the Louisiana Public Service Commission, prior to engaging in any activities related to moving household goods.” Additionally, the Commission’s General Order dated March 16, 2021 (“2021 General Order”) establishes specific rules and regulations governing household goods carriers, who must apply for and 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 Order shall be fined in accordance with the provisions of La. R.S. 45:171.

Further, the Commission’s General Order dated April 3, 2008 (“2008 General Order”), amended by the Commission’s General Order dated August 12, 2008, 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.

La. R.S. 45:171 provides that anyone who violates the provisions of Chapter 4 of Title 45, including La. R.S. 45:164(E)(1), “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.” La. R.S. 45:163 provides that the Commission has the authority to punish motor carriers “for contempt as fully as is provided for by law by the district courts, and to prescribe and require the furnishing and filing of tariffs and schedules.” Moreover, 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 and that carrier is determined to have violated a Commission order.

The Commission Staff’s Case

The Commission Staff alleges that the Carrier violated La. R.S. 45:161 through 180.1 by operating intrastate without Commission authority. The Commission Staff further alleges that the Carrier engaged in activities related to moving household goods prior to complying with La. R.S. 45:164(E) and the 2021 General Order, and violated the 2008 General Order by advertising moving services online at <http://supermovers.net> without a LPSC certificate number. Lastly, the

Commission Staff alleges that Supermovers is in contempt of Commission Order No. T-34258¹ by continuing to operate as a household goods carrier and failing to pay a citation fee of \$1000 and a citation fee of \$25 assessed against the Carrier in Commission Order No. T-34258. In support of its allegations, the Commission Staff presented the testimony of Enforcement Agent Derenda Geter and Transportation Division Administrator Tammy Burl.

Testimony of Derenda Geter

Derenda Geter is an Enforcement Agent employed by the Commission. Agent Geter testified that her job duties include responding to complaints, roadside investigations, and compliance audits of Commission-regulated motor carriers. According to Ms. Geter, when she receives a complaint regarding a household goods carrier, she investigates documents including the formal complaint, any invoices and estimates, Secretary of State records, and online advertising.

Agent Geter testified that she received and reviewed a complaint from Ms. Kelly Williamson (the “Complainant”), a customer who hired Supermovers for a move on October 23, 2021. According to Agent Geter, the Complainant complained about damage to her furniture, and that the price she was charged by the Carrier was higher than the estimate she received. Agent Geter reviewed the documents the Complainant provided with her complaint, including her handwritten summary of the complaint, Supermovers’ estimate for the move, the contract for service between the Complainant and Supermovers, and a carbon copy of the check the Complainant paid to Supermovers after the move. According to these documents, the Complainant paid Supermovers \$1,747.50 for a move from West Monroe, LA to Bossier City, LA. Agent Geter testified that she spoke with the Complainant, who confirmed the allegations provided in her complaint.

Having reviewed the Complainant’s invoice and estimate, Agent Geter thus concluded that Supermovers was conducting household goods moves in Louisiana. Agent Geter also reviewed the Carrier’s website, supermovers.net, and printed out the website on October 29, 2021. According to Agent. Geter, the website indicates that Supermovers is advertising as a household goods carrier. Agent Geter explained that she visited the website again on February 2, 2022, and that it was unchanged from its state on October 29, 2021.

¹ Commission Order No. T-34258, Louisiana Public Service Commission versus Supermovers, LLC (Monroe, Louisiana), 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. 45:164E(1) and General Order dated May 17, 2004; and for failure to comply with the requirements of General Order dated April 3, 2008. (May 4, 2017).

Ms. Geter testified that she was familiar with Supermovers, as she spoke to the owner, Mr. David Vaughn, in June 2016 regarding the citation issued against Supermovers in Commission Docket No. T-34258. According to Ms. Geter, during her 2016 conversation with Mr. Vaughn, he stated that he was the owner of Supermovers.

In conjunction with her testimony, Agent Geter identified the following documents for submission into evidence:

- Staff Exhibit 1, *in globo* Copies of the following documents:
- Email correspondence to transcomplaint, dated October 26, 2021, “Subject: Complaint on Super Movers of Ruston/Dubach”;
 - Louisiana Public Service Commission Transportation Division Household Goods Move Complaint Form dated October 26, 2021, completed by Kelly Williamson, with supplemental narrative;
 - Super Movers Louisiana Estimate No. 2611, Invoice No. 1880-1, Service Date October 23, 2021;
 - Super Movers Louisiana Contract for Service - BOL, Invoice No. 1880-1, Service Date October 23, 2021; and
 - Carbon copy of a check issued to “Super Movers / David Vaughan” for “move to Pepperwood,” dated October 23, 2021;
- Staff Exhibit 2 A copy of commercial search results from the State of Louisiana Secretary of State Commercial Division Corporations database for Supermovers LLC, printed out on October 29, 2021; and
- Staff Exhibit 3 A copy of a printout for supermovers.net, printed out on October 29, 2021.

Testimony of Tammy Burl

Tammy Burl is employed by the Commission as the Transportation Administrator. Ms. Burl testified that her duties include the overseeing of the Transportation Division’s day-to-day operations, which includes regulation of household good movers, overseeing complaints filed against carriers, and issuing citations to companies that have been determined to have violated the Commission’s rules and regulations relative to household goods carriers.

Ms. Burl testified that she reviewed and agreed with the results of Agent Geter’s investigation. Ms. Burl further testified that she was familiar with Mr. Vaughn, as he was either the officer or owner of several other household goods moving companies. According to Ms. Burl, all of these companies have had their certificates canceled by the Commission for failing to stay in compliance with the Commission.

Ms. Burl identified Commission Order No. T-34258, wherein Supermovers, LLC was found guilty of violating La. R.S. 164(E)(1) for engaging in activities related to the moving of household goods prior to complying with the requirements of La. R.S. 45(E)(1), and violating the

2008 General Order for failing to include an LPSC number in their advertising. Ms. Burl further testified that the Carrier was fined \$1000 and a citation fee of \$25, to be paid within thirty (30) days, and to either cease all advertising for household good movers within sixty (60) days and provide proof of such cancelation to the Commission, or in the alternative obtain Commission authority to operate as a household goods mover. Ms. Burl testified that Commission Order No. T-34258 was issued on May 4, 2017, and as of the date of the hearing, the Carrier has not paid the \$1000 fine or the \$25 citation fee, it has not ceased advertising as a mover of household goods, and it has not obtained LPSC authority to operate as a mover of household goods.

Ms. Burl testified that she issued a citation against the Carrier, which was sent to the address for the Carrier's registered agent and member as was indicated on the Secretary of State's website by certified mail. Additionally, Ms. Burl testified that the Commission received a return receipt for the citation. Ms. Burl explained that the return receipt was most likely signed by a postal employee as part of the United States Postal Service's ("USPS") COVID-19 policy. Ms. Burl further testified that since the issuance of Commission Order No. T-34258 on May 4, 2017, the Carrier has not contacted Commission Staff.

Ms. Burl testified the Commission Staff' is requesting that the Carrier be assessed \$2500 in fines and a \$25 citation fee for the October 23, 2021 move, in addition to the fine and fees assessed in Commission Order No. T-34258. Ms. Burl further testified that, should the Carrier be found in contempt of Commission Order No. T-34258, that they be fined \$2000 for contempt. Ms. Burl explained that the reason for the two fines is because the instant matter is the Carrier's second offense, and because Mr. Vaughn has knowledge of the Commission's rules. Lastly, the Commission Staff is requesting that the Complainant be refunded in full for the October 23, 2021 move, because Supermovers should not be allowed to benefit from providing services it does not have the authority to provide, and because it is possible that there are other movers in the area with Commission authority.

In conjunction with her testimony, Ms. Burl identified the following documents for submission into evidence:

Staff Exhibit 4,
in globo

Copies of the following documents:

- Louisiana Public Service Commission Certificate No. 7157 (Corrected), issued to M & W Transfer LLC on May 12, 2006, with attachments;
- Louisiana Public Service Commission Certificate No. 7156, issued to Affordable Moving & Storage, LLC on June 2, 2006, with attachments; and

- Louisiana Public Service Commission Certificate No. 7405, issued to Faulk Collier Moving & Storage, LLC on February 17, 2009, with attachments;
- Staff Exhibit 5, *in globo* A copy of the citation issued on November 3, 2021 to Supermovers, LLC, in Docket Number T-36184, with the following attachments:
- Email correspondence to transcomplaint dated October 26, 2021, “Subject: Complaint on Super Movers of Ruston/Dubach”;
 - Louisiana Public Service Commission Transportation Division Household Goods Move Complaint Form dated October 26, 2021, completed by Kelly Williamson, with supplemental narrative;
 - Super Movers Louisiana Estimate No. 2611, Invoice No. 1880-1, with Service Date of October 23, 2021;
 - Super Movers Louisiana Contract for Service - BOL, Invoice No. 1880-1, with Service Date of October 23, 2021;
 - Carbon copy of a check issued to “Super Movers / David Vaughan” for “move to Pepperwood,” dated October 23, 2021;
 - Printouts from supermovers.net, printed out on October 29, 2021; and
 - Commercial search results from the State of Louisiana Secretary of State Commercial Division Corporations database for Supermovers LLC, printed out on October 29, 2021;
- Staff Exhibit 6 A copy of Louisiana Public Service Commission Order No. T-34258, Louisiana Public Service Commission versus Supermovers, LLC (Monroe, Louisiana); and
- Staff Exhibit 7, *in globo* A copy of the front and back of the signed certified mail return receipt for the citation issued via certified mail, bearing tracking number 7002 2030 0002 6571 4843.

Commission Staff’s Post-Hearing Brief

At the conclusion of the hearing on February 3, 2022, Commission Staff was provided an opportunity to file a post-hearing brief to address service of the citation. On February 18, 2022, the Commission Staff filed its Post-Hearing Brief, addressing the notations on the return receipt for the citation issued to the Carrier. According to the Commission Staff, the Commission Staff mailed the citation to the registered agent of Supermovers, as listed in the Louisiana Secretary of State Louisiana Business Filings record. The Commission Staff stated that this mailing was done in accordance with the Commission’s Special Order No. 72-2021,² which provides for service through “any means whereby proof of receipt or unclaimed status can be shown, including [...] certified mail.”

² Special Order No. 72-2021, Louisiana Public Service Commission, ex parte, 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. (November 22, 2021).

The Commission Staff argued that the return receipt shows that the citation was delivered to Supermovers. According to the Commission Staff, the alphabetic and numeric identifier and the phrase “C-19” on the return receipt were written by the mail carrier, in accordance with the USPS’ COVID-19 policies. The Commission Staff cited the USPS website outlining said policies, and noted the specific COVID-19 policy pertaining to customer signatures:

To reduce health risks, we also are temporarily modifying customer signature capture procedures. While maintaining a safe, appropriate distance, employees will request the customer’s first initial and last name so that the employee can enter the information on electronic screen or hard copy items such as return receipts, and PS Forms 3811 (Domestic Return Receipt) and 3829 (Registered Dispatch Follow-Up). For increased safety, employees will politely ask the customer to step back a safe distance or close the screen door/door so that items may be left in the mail receptacle or appropriate location by the customer door.³

The Commission Staff further asserted that the return receipt indicates that the certified mailing was received by Supermovers on November 5, 2021, and this is consistent with the USPS’ tracking information for the citation.

The Commission Staff made note of a previous Commission order, which addresses return receipts marked with “C-19”: In Commission Order No. T-35943⁴, the Commission found that the Commission Staff provided “fair notice to the Carrier of the hearing date, and that the Carrier was provided a fair opportunity to present a defense at the hearing.”

The Commission Staff asserted that it has satisfied the service requirements outlined by the Commission’s rules by mailing the citation to Supermovers’ registered agent, as filed with the Louisiana Secretary of State. The Commission Staff further maintained that Supermovers did receive the citation, and this was proved by the return receipt, which was signed in accordance with the USPS’ COVID-19 policies for certified mail. Accordingly, the Commission Staff argued that Supermovers did receive proper notice of the hearing in the instant proceeding. The Commission Staff then reiterated its request for relief, as outlined below. The Commission Staff also noted that Supermovers had yet to comply with any aspect of Commission Order No. T-34258, and continued to operate.

Penalty Sought by the Commission Staff

At the hearing and in its Post-Hearing Brief, the Commission Staff requested: (1) that the Carrier be found guilty of violating the 2021 General Order, the 2008 General Order as amended, and La. R.S. 45:164(E), and consequently be fined \$2500; (2) that the Carrier be found in contempt

³ USPS® Coronavirus Updates for Residential Customers, USPS.COM, <https://faq.usps.com/s/article/USPS-Coronavirus-Updates-for-Residential-Customers>.

⁴ Order No. T-35943, Louisiana Public Service Commission vs. PowerCore Energy Group, LLC, In re: Cancellation of Common Carrier Certificate Numbers 8297 for failure to maintain the required insurance coverage on file with the Commission pursuant to Commission’s General Order dated January 12, 1976. (June 10, 2021).

of Commission Order No. T-34258, and consequently be fined \$2000; (3) that the Carrier be ordered to pay a \$25 citation fee; and (4) that the Complainant be issued a refund of \$1747.50 for the move which occurred on October 23, 2021, and to provide proof of such refund within thirty (30) days of the date of the issuance of an order in this matter.

The Carrier's Case

No one appeared on behalf of the Carrier to present a defense.

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) On May 4, 2017, the Commission issued Order No. T-34258, finding Supermovers guilty of violating La. R.S. 45:164(E)(1) by engaging in activities related to moving household goods prior to complying with the requirements of La. R.S. 45:164(E)(1), and finding the Carrier guilty of the 2008 General Order by failing to include an LPSC certificate number in all advertising. In the order, the Commission assessed a fine of \$1000, and a citation fee of \$25, against the Carrier, with these amounts to be paid within thirty (30) days of the issuance of the Order. Commission Order No. T-34258 further commanded Supermovers to cease all advertising for moving household goods and provide proof of such cancellation to the Commission within sixty (60) days of the issuance of the Order, or in the alternative, to obtain Commission authority to operate as a mover of household goods within sixty (60) days of the issuance of the Order.
- (2) On October 23, 2021, Supermovers performed a household goods move between West Monroe, Louisiana and Bossier City, Louisiana on behalf of the Kelly Williamson.
- (3) Kelly Williamson paid Supermovers \$1,747.50 for the October 23, 2021 move.
- (4) On October 23, 2021, Supermovers did not have Commission authority to operate as a household goods carrier. As of the date of the hearing in this matter, February 3, 2022, Supermovers had not obtained Commission authority to operate as a household goods carrier.
- (5) On October 29, 2021 and February 2, 2022, the website for Supermovers at <http://supermovers.net> indicated that Supermovers provided "Residential / Local" moves, and that Supermovers covers "all Parishes in Louisiana." The website does not include a Commission certificate number for Supermovers.
- (6) As of February 3, 2022, Supermovers has not paid the \$1000 fine or the \$25 citation fee assessed against it by the Commission in Order No. T-34258.
- (7) On November 3, 2021, the Commission issued a citation to Supermovers, alleging that the Carrier (1) violated La. R.S. 45:161 by operating intrastate without LPSC authority; (2) engaged in activities related to moving household goods prior to complying with the requirements of La. R.S. 45:164(E) and the 2021 General Order; (3) failed to comply with the requirements of the 2008 General Order; and (4) was in contempt of Commission Order No. T-34258.
- (8) The citation was issued to the Carrier via certified mail at the address provided for the Carrier's domicile address in the Louisiana Secretary of State Commercial Database.
- (9) The Commission received a return receipt, marked by a USPS employee "B.S. R+3" in the "Signature" section, and "C-19" in the "Received by (Printed Name)" section.

- (10) Supermovers did not appear at the hearing to present a defense.

Conclusions of Law

- (1) At the hearing in this matter, the Commission Staff had the burden of proving its allegations against the Carrier. Because the Carrier 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.

Pursuant to its constitutional and statutory authority, the Commission has adopted Rules of Practice and Procedure. Commission Rules 7 and 19 provide for notice through publication in the Commission's Official Bulletin, as well as through service by certified mail. On November 17, 2021, the Commission issued Commission Special Order No. 72-2021, which modifies Rule 7 and provides, in pertinent part, that

[w]here service other than by publication is permitted or required under these Rules, or where published notice is unofficial and so noted in the publication, the Secretary shall mail deliver the same through any means whereby proof of receipt or unclaimed status can be shown, including but not limited to, certified or registered mail, to the last known place of address of the person entitled to receive such notice or to the registered agent of the person as recorded with the Louisiana Secretary of State's office.

The Commission's Transportation Division issued a citation to the Carrier by certified mail, return receipt requested, to the Carrier's address on file with the Louisiana Secretary of State. The certified mail return receipt was returned to the Commission, signed by a postal service employee and indicating delivery to the Carrier's address on file with the Commission. This receipt was marked "B.S. R+3" in the "Signature" section, and "C-19" in the "Received by (Printed Name)" section.

Per USPS' COVID-19 policy, a postal service employee is allowed to sign a certified mail receipt at the time of delivery in order to avoid physical contact with the recipient. The Commission has previously found that return receipts signed by postal employees pursuant to this policy are sufficient to provide notice of a hearing to the Carrier.⁵

Accordingly, we find that the record, taken as a whole, demonstrates that the Commission Staff provided fair notice to the Carrier of the hearing date, and that the Carrier was provided a fair opportunity to present a defense at the hearing. The Carrier, despite having received sufficient notice of the hearing and the Commission Staff's allegations against it, did not attend the hearing and present a defense.

- (2) The 2021 General Order defines a household goods carrier as "a motor carrier that is transporting household goods for an amount greater than \$250.00." In this case, the Commission Staff proved that on October 23, 2021 the Carrier transported household goods between Monroe, Louisiana and Bossier City, Louisiana for a total cost of \$1,747.50. We conclude that on October 23, 2021 Supermovers acted as a household goods carrier and moved household goods intrastate.
- (3) The Commission's 2021 General Order requires "[a]ny Household Goods Carrier that wishes to operate within the State of Louisiana must first apply for and secure a registration permit from the Commission." In this proceeding, the Commission Staff provided testimony and evidence sufficient to prove its allegations that Supermovers violated the 2021 General Order.
- (4) 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 Staff proved in this case that on October 23, 2021 Supermovers violated La. R.S. 45:164(E)(1) by engaging in activities related to moving household goods without first having obtained authority from the Commission to operate as a household goods carrier.

⁵ See, e.g. Commission Order No. T-35975, *BACCVAC, LLC, ex parte*; Commission Order No. Order No. T-35943, *Louisiana Public Service Commission vs. Powercore Energy Group, LLC*.

- (5) The Commission's 2008 General Order, as amended, requires household goods carriers to include their legal and/or registered name, physical address and Commission certificate number in all advertising. The Commission Staff established that Supermovers violated the 2008 General Order by not including a Commission certificate number in its advertising.
- (6) In accordance with La. R.S. 45:171 and the Commission's 2008 General Order, a carrier that violates the requirements of Title 45 and/or the 2008 General Order 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 recommended a fine of \$2,500.00 based Supermovers previous violation in Commission Order No. T-34258. In Commission Order No. T-34258, Supermovers was found guilty of violating La. R.S. 45:164(E)(1) and the Commission's General Order dated April 3, 2008. In Commission Order No. T-34258, the Commission fined Supermovers \$1000 and a \$25 citation fee, to be paid within thirty (30) days. Further, the Commission ordered that within sixty (60) days, Supermovers was to cease all advertising or obtain Commission authority. According to Commission Staff, Supermovers has not complied with Commission Order No. T-34258. Further, Supermovers did not cooperate in the current proceeding, nor appear at the hearing on February 3, 2022. Accordingly, a fine of \$2,500 is appropriate in this case.

- (7) In accordance with La. R.S. 45:163, the Commission has the authority to punish motor carriers for contempt. Commission Staff cited Supermovers for contempt of Commission Order No. T-34258. In Commission Order No. T-34258, the Commission found Supermovers guilty of violating La. R.S. 45:164(E)(1) and the Commission's General Order dated April 3, 2008. Commission Order No. T-34258 also assessed a fine of \$1000 and a citation fee of \$25, to be paid within 30 day of the issuance of the order. Additionally, Commission Order No. T-34258 ordered that, within sixty (60) days, Supermovers cease all advertising or obtain Commission authority.

The Commission Staff proved in this case that as of February 3, 2022, the Carrier had not paid the \$1000 fine and \$25 citation fee assessed in Commission Order No. T-34258, had not acquired authority from the Commission to operate as a household goods carrier, and had not ceased advertising as a household goods carrier on its website.

Accordingly, we find that the Carrier is in contempt of Commission Order No. T-34258. The Commission Staff recommends a fine of \$2000 for contempt. Commission Order No. T-34258 was issued in May 2017, and the Carrier has not complied with the provisions of the order as of February 2022. We conclude that a fine of \$2000 for contempt is appropriate in this case.

- (8) The Commission Staff recommended that Supermovers be ordered to refund the Complainant the full amount (\$1747.50) she paid for the move, on the grounds that the Carrier should not benefit from providing services it has no authority to provide. The Commission Staff did not provide reference to any law or Commission order which allows the Commission to order carriers to refund customers of household goods carriers.

We find that the 2021 General Order, the 2008 General Order, and the Commission's other orders governing household goods carriers have no provisions allowing the Commission to order a refund *to customers*.⁶ The Commission has declined to order restitution and/or refund to a complainant when the Commission Staff failed to provide any legal basis to

⁶ The Commission's Towing Order, General Order dated April 17, 2014, has a specific provision allowing the Commission to order a refund of up to 200% for any overcharges which are found to have occurred. However, this order only governs non-consensual towing and recovery services provided by Commission-jurisdictional carriers, and does not apply to household goods carriers. Additionally, La. R.S. 45:171(C) states that "the commission in its discretion may order the recovery and forfeiture to the state treasurer of all revenue derived by any person, as defined in this Section, from any violation of the provisions of this Chapter." This provision only allows forfeiture of revenue to the state treasurer and not to the customer.

support restitution as a remedy, even though the household goods carrier in that case was found to have violated Louisiana law and the Commission's rules, and was fined accordingly. Therefore, we conclude that ordering Supermovers to issue a refund of \$1747.50 to the Complainant is not appropriate in this case.

- (9) The Commission Staff also recommended that the Carrier be required to pay a \$25 citation fee, in accordance with the Commission's General Order dated June 7, 2006. We find that imposition of the \$25 citation fee is appropriate in this case.

Conclusion

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

IT IS HEREBY ORDERED that Supermovers, LLC is found **GUILTY** of violating the Commission's General Order dated March 16, 2021 and La. R.S. 45:164(E) by engaging in activities related to moving household goods prior to complying with the requirements of La. R.S. 45:164(E)(1) and the Commission's General Order dated March 16, 2021.

IT IS FURTHER ORDERED that Supermovers, LLC is found **GUILTY** of violating the Commission's General Order dated April 3, 2008 by failing to include a Louisiana Public Service Commission certificate number in all advertising.

IT IS FURTHER ORDERED that a fine of \$2500.00 and a citation fee of \$25.00 are hereby imposed upon Supermovers, LLC for its violation of La. R.S. 45:164(E)(1), the Commission's General Order dated March 16, 2021 and the Commission's General Order dated April 3, 2008, and that those amounts must be paid to the Commission, in certified funds, within thirty (30) days of the date of issuance of this Order.

IT IS FURTHER ORDERED that Supermovers, LLC is found to be in contempt of Commission Order No. T-34258, that a fine of \$2000.00 is hereby imposed on Supermovers, LLC, and that this amount must be paid to the Commission, in certified funds, within thirty (30) days of the date of issuance of this Order.

BY ORDER OF THE COMMISSION
BATON ROUGE, LOUISIANA
May 17, 2022



A handwritten signature in blue ink, appearing to read "Brandon M. Frey".

BRANDON M. FREY
SECRETARY

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

/S/ MIKE FRANCIS
DISTRICT IV
VICE CHAIRMAN MIKE FRANCIS

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

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

/S/ CRAIG GREENE
DISTRICT II
COMMISSIONER CRAIG GREENE