

LOUISIANA PUBLIC SERVICE COMMISSION

ORDER NUMBER T-37358

LOUISIANA PUBLIC SERVICE COMMISSION
VERSUS
MOVE PRECISION LLC

*Docket No. T-37358, In re: Alleged violation of Order T-37019 for failure to
comply to the Affidavit and Stipulation executed on May 1, 2024.*

(Decided at the May 19, 2025 Business and Executive Session.)

ORDER

Overview

In this proceeding, the Louisiana Public Service Commission (“LPSC” or “Commission”) Staff seeks a finding that Move Precision LLC (“Move Precision”), a household goods moving company, is guilty of violating Commission Order No. T-37019¹ accepting an *Affidavit and Stipulation* (“Stipulation”) executed by Move Precision and agreed to by Commission Staff. Commission Staff issued a citation dated August 28, 2024, directing Move Precision to appear at a hearing on December 5, 2024, to show cause why it should not be found guilty of violating Order No. T-37019 for failing to comply with the Stipulation. The citation was docketed as the instant proceeding and notice of this proceeding was published in the Commission’s *Official Bulletin* dated August 30, 2024. The Commission issued a subsequent citation labeled as “Docket No. T-37358 Amended” to Move Precision dated October 9, 2024, and notice was published in the Commission’s *Official Bulletin* dated October 11, 2024. A hearing was convened on December 5, 2024, at which the Commission Staff appeared through counsel and presented testimonial and documentary evidence in support of its allegations. Move Precision did not appear. For the reasons stated herein, we find Move Precision guilty as alleged.

This matter was considered at the Commission’s May 19, 2025 Business and Executive Session. On motion of Vice Chairman Skrmetta, seconded by Commission Coussan and unanimously adopted, the Commission voted to accept the Recommendation of the Administrative Law Judge issued April 8, 2025.

¹ LPSC Order No. T-37019 dated June 18, 2024, Louisiana Public Service Commission vs. Move Precision, LLC (Docket No. T-37019, In re: Alleged violation of La. R.S. 45:161 through 180.1, be 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.)(“Order No. T-37019”).

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 public utilities 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. 45:171(A) provides that no person shall violate any orders of the Commission promulgated under Title 45, Chapter 4 (Motor Carriers). La. R.S. 45:171(B) provides that the “term ‘person’ means but is not limited to any carrier, shipper, consignee, consignor, agent, servant, broker, employee, or other natural or legal entity violating any of the provisions of this Chapter.”² La. R.S. 45:171(C) states that violators “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. 45:171(C) also states “[a]s an additional sanction, the [C]ommission 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. La. R.S. 45:171(D) requires the Commission to report any revenues or compensation derived by a person, as defined in this Section, from any violation of the provisions of this Chapter. 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”

The Commission’s General Order dated June 7, 2006, authorizes the imposition of a \$25.00 citation fee when a citation is issued to a Commission-jurisdictional motor carrier.

Order No. T-37019, dated June 18, 2024, orders that the “Affidavit and Stipulation executed on May 1, 2024, for fines and fees totaling \$525.00 is accepted.”³ Section III., *Stipulation*, states as follows:

In response to the citation, Mr. Harold Allen, the CEO of Move Precision, signed an Affidavit and Stipulation admitting to the violation and agreeing to plead guilty to all violations within the citation. In the Affidavit and Stipulation, Mr. Allen agreed to the imposition of a \$1,000.00 fine and a \$25.00 citation fee with

² “Chapter” in La. R.S. 45:171 refers to Title 45, Chapter 4 (Motor Carriers).

³ Order No. T-37019 at ordering paragraph 1. The fines and fees in the Stipulation actually total \$1025.00 - a \$1000.00 fine (with \$500.00 payable in three installments and \$500.00 suspended which becomes due if the Carrier fails to comply with requirements) and a \$25.00 citation fee.

\$500.00 of the fine suspended conditioned on the following conditions:

1. Execute this Affidavit and Stipulation before a notary and return to LPSC Transportation Staff by May 1, 2024;
2. Cease engaging in activities related to moving household goods including the advertising for such services until such time as a Common Carrier Certificate is issued to Move Precision, LLC.;
3. Move Precision, LLC agrees to remove all references of moving services and change the language to read “labor only services” on the website <https://moveprecision.com/>;
4. Move Precision, LLC agrees to pay the fine in three monthly payments as follows:
 - Executed Affidavit and Stipulation with first payment of \$193.00 due May 1, 2024;
 - Second payment of \$166.00 due June 3, 2024;
 - Final payment of \$166.00 due July 1, 2024;
5. Failure to comply with any of the above requirements will result in the \$500.00 suspended portion of the fine becoming due immediately.

Commission Staff's Case

Commission Staff alleges that Move Precision is in violation of Order No. T-37019 by failing to comply with the agreed-upon terms of the Stipulation accepted in Order No. T-37019. Commission Staff alleges that Move Precision failed to timely make the third and final installment payment of the fine and that Move Precision conducted an intrastate household goods move after the issuance of Order No. T-37019, and has not yet obtained LPSC authority. Commission Staff seeks an order finding Move Precision guilty of violating Order No. T-37019, requiring Move Precision to issue a customer refund to Mr. Ini Ubaha in the amount of \$735.65, and assessing a \$2000.00 fine and \$25.00 citation fee. In support of its allegations, Commission Staff presented the testimonies of Mr. Ini Ubaha and Ms. Tammy Burl, Transportation Administrator.

Testimony of Ini Ubaha

Mr. Ubaha testified regarding his hiring Move Precision to conduct a move within New Orleans, Louisiana, and his related complaint to the Commission. Mr. Ubaha stated that he found Move Precision through the home services application, Thumbtack, and contacted Move Precision around August 23 or 24, 2024. After speaking to a representative of Move Precision, Mr. Ubaha

hired Move Precision to move his personal belongings from one residence to another in New Orleans, with the move to take place from August 29 to August 30.

Mr. Ubaha stated that Move Precision conducted the move as scheduled, but after the movers left his residence, he noticed damage to his refrigerator. He reached out to Move Precision, which initially indicated it would investigate the damage, but Move Precision ceased communications with Mr. Ubaha without taking further action. He then reported Move Precision to the Better Business Bureau and the LPSC. Mr. Ubaha identified the complaint he submitted to the LPSC on September 24, 2024, the invoice from Move Precision showing that he paid a total of \$735.65 for the move, and a printout of messages on Thumbtack between Move Precision and Mr. Ubaha dating from August 22, 2024, to September 1, 2024. Mr. Ubaha stated that the last communication he received from Move Precision was on September 5, 2024, in response to his Better Business Bureau complaint. According to Mr. Ubaha, Move Precision has not issued him a refund and he has not received a refund through his credit card company.

In connection with his testimony, Mr. Ubaha identified the following exhibits which were admitted:

Staff Exhibit 1	Complaint dated September 24, 2024, regarding Move Precision submitted by Ini Ubaha to the LPSC’s Transportation Division.
Staff Exhibit 2	Invoice No. 1847 issued by Move Precision to Iniabasi Ubaha dated August 28, 2024, showing the total amount paid as \$735.65. And,
Staff Exhibit 3, <i>in globo</i>	Screenshot of messages between Move Precision and Ini Ubaha dated between August 22, 2024, and September 1, 2024.

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 stated that she is familiar with Move Precision and identified the Stipulation from Docket No. T-37019 executed on May 1, 2024, by Mr. Harold Allen identifying himself as the CEO of Move Precision, and by Staff Attorney Paul Rachal. Ms. Burl listed the admissions and terms agreed to therein by Move Precision, including pleading guilty to the allegations in Docket

No. T-37019; agreeing to cease activities related to household goods moving until it obtained LPSC authority; agreeing to a \$1000.00 fine with \$500.00 suspended based on compliance with the conditions, and \$500.00 to be paid in three installments due May 1 (submitted with Stipulation), June 3, and July 1, 2024. Ms. Burl explained that the Commission accepted the Stipulation at a Business and Executive Session, and Order No. T-37019 issued on June 18, 2024, documents that vote.

Ms. Burl testified that, at Mr. Allen's request, she created an invoice in the Commission's online payment system billed to Move Precision for the second installment payment required by Order No. T-37019, and the invoice was timely paid through the online payment system on or about June 3, 2024. Ms. Burl testified further that Move Precision failed to remit the final installment payment, in the amount of \$166.00, on or before the July 1, 2024 due date. Therefore, she issued a letter to Move Precision on July 24, 2024, advising Move Precision that it was not in compliance and that the \$166.00 missed payment and the \$500.00 suspended portion of the fine were due upon receipt of the letter. Ms. Burl sent the letter via email and via United States Postal Service ("USPS") regular mail to the address provided by Mr. Allen in Docket No. T-37019. Contemporaneous with issuing the July 24, 2024 letter, Ms. Burl created an invoice in the online payment system for \$666.00.

Ms. Burl stated that she received an email from Mr. Allen on July 24, 2024, in response to her email containing the letter. She replied with a request that he contact her by telephone, but did not receive a telephone call and has had no further contact with him. Ms. Burl asserted that she did not receive payment in response to her July 24, 2024 letter, so she prepared and issued a citation to Move Precision on August 28, 2024. She attached Order No. T-37019 and the Stipulation accepted therein to the citation. The citation directed Move Precision to appear at a hearing on December 5, 2024. Ms. Burl explained that the citation was mailed by USPS certified mail to 7591 Anne Marie Court, New Orleans, LA, 70128 - the address listed for Move Precision with the Louisiana Office of Secretary of State, noting that the same address was listed for its registered agent, Harold Allen.

Ms. Burl testified that after issuing the citation to Move Precision, the Transportation Division received Mr. Ubaha's complaint on September 24, 2024. Ms. Burl testified further that after investigating Mr. Ubaha's complaint, she determined that Move Precision was providing moving services without authority. Ms. Burl testified that she prepared and issued an amended

citation to Move Precision on October 9, 2024, which kept Order No. T-37019 and the Stipulation as attachments and added Mr. Ubaha’s complaint to the attachments. Ms. Burl testified that other than adding Mr. Ubaha’s complaint as an attachment, no other changes were made from the initial citation. Ms. Burl explained that the amended citation was sent to Move Precision via FedEx at the same address as the initial citation. Ms. Burl identified a printout of FedEx Tracking results for the tracking number ending in 9426, matching that on the amended citation. Ms. Burl testified that the FedEx Tracking results indicate that the package was delivered on October 10, 2024.

Per Ms. Burl, on October 1, 2024, Move Precision remitted the \$666.00 payment for the online invoice she created the same day she issued the July 24, 2024 correspondence.

Ms. Burl testified that Commission Staff is seeking a finding that Move Precision is guilty as alleged, that it be fined \$2,000.00 and assessed a \$25.00 citation fee, and that it be required to refund \$735.65 to Mr. Ubaha.

In connection with her testimony, Ms. Burl identified the following exhibits which were admitted:

Staff Exhibit 4	Affidavit and Stipulation in Docket No. T-37019, executed by Harold Allen on behalf of Move Precision on May 1, 2024, and signed as agreed to by LPSC Staff Attorney Paul Rachal.
Staff Exhibit 5	LPSC Order No. T-37019 dated June 18, 2024, accepting the Affidavit and Stipulation (Staff Ex. 4).
Staff Exhibit 6	Correspondence on LPSC letterhead dated July 24, 2024, signed by Tammy Burl, Transportation Administrator, issued to Move Precision.
Staff Exhibit 7	Printout from the Louisiana Secretary of State Business Filings Search for “MOVE PRECISION LLC” listing 7591 Anne Marie Ct., New Orleans, LA 70128 as the domicile and mailing address for Move Precision as well as the address of its registered agent and officer, Harold Allen.
Staff Exhibit 8, <i>in globo</i>	Citation issued to Move Precision dated August 28, 2024, with the Affidavit and Stipulation in T-37019 (Staff Ex. 4) and LPSC Order No. T-37019 (Staff Ex. 5) attached thereto.
Staff Exhibit 9, <i>in globo</i>	Citation issued to Move Precision dated October 9, 2024, labeled “Docket No. T-37358 Amended”, bearing FedEx Tracking No. 779128549426, with the Affidavit and Stipulation in T-37019 (Staff Ex. 4), LPSC Order No. T-37019 (Staff Ex. 5), and complaint of Ini Ubaha dated September 24, 2024 (Staff Ex. 1) attached thereto. And,

Commission Staff's Post-Hearing Brief

At the conclusion of Commission Staff's testimonial and documentary evidence, the Court set a deadline for Commission Staff to file a post-hearing brief containing citations to the legal authority(ies) supporting its allegations and authorizing the remedies sought by Commission Staff in this matter. Commission Staff timely filed the *LPSC Staff's Post-Hearing Brief* on December 19, 2024.

In support of its authority to cite Move Precision for the alleged violation of Order No. T-37019, Commission Staff refers to La. R.S. 45:163, which grants the Commission authority to adopt and enforce its rules and regulations, to punish for contempt as fully as is provided by law for the district courts, and to police and enforce the provisions of La. R.S. 45:161 through 178. Commission Staff also cited La. R.S. 45:171, which states that no person shall violate Commission rules and orders, and violators shall be fined by the Commission at an open hearing. Commission Staff argues that Order No. T-37019 provides that Move Precision shall not engage in activities related to household moving, that Commission Staff issued the citation consistent with the Commission's constitutional and statutory authority to enforce its rules and orders, and that it met its burden of proving that Move Precision violated Order No. T-37019 by performing household goods moving services.

Commission Staff seeks an order requiring Move Precision to pay a \$2000.00 fine for its alleged violation of Order No. T-37019 and a \$25.00 citation fee. In support of its authority to seek a fine, Commission Staff cites La. R.S. 45:171, providing that whoever violates provisions of Chapter 4, Title 45 shall be fined at an open hearing not less than \$100.00 or more than \$10,000.00 per violation. Commission Staff also references La. R.S. 45:163, discussed above, authorizing the Commission to punish for contempt. As for the fine amount, Commission Staff argues that \$2,000.00 is appropriate because Move Precision is a repeat offender of household goods moving violations. Commission Staff cites Order No. T-37019 wherein the Commission accepted the Stipulation executed by Move Precision admitting its guilt to household goods moving violations and agreed to refrain from household goods moving activities until it obtained Commission authority. Therefore, Staff argues, that Move Precision was aware that engaging in household

moving activities without authority is a violation of Commission rules and Order No. T-37019. Commission Staff asserts that “[b]ased on Commission precedent in finding carriers, or companies engaging in regulated activities without authority, guilty of the same violation as alleged in this citation, Staff sought the same fine it regularly seeks for repeat offenders - \$2,000. This Court has consistently granted Staff’s requests similar to those made in the instant proceeding.”⁴ Commission Staff then cites Docket Nos. T-36504,⁵ T-35782,⁶ T-35361,⁷ T-32728,⁸ and T-36184⁹ in support of its assertion.¹⁰ Commission Staff noted that the \$25.00 citation fee is authorized by the Commission’s *General Order* dated June 7, 2006.

Commission Staff refers to La. R.S. 45:171 to support its request for an order requiring Move Precision to refund Mr. Ubaha. Specifically, La. R.S. 45:171(C) which provides, in part, that “[a]s an additional sanction, the commission in its discretion may order the recovery and forfeiture to the state treasurer of all revenue derived by any person . . . from any violation of the provisions of this Chapter.”¹¹ Commission Staff avers that the Commission has the discretion to award refunds and refers to Commission Docket Nos. T-33350,¹² T-34810,¹³ T-32100,¹⁴ and T-

⁴ LPSC Staff’s Post-Hearing Brief at 7.

⁵ Order No. T-36504 dated September 8, 2023, Louisiana Public Service Commission v. Adair Movers LLC (*Docket No. T-36504, In re: Alleged violation of La. R.S. 45:161-180.1. 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.*), ordering a \$1000.00 fine.

⁶ Order No. T-35782 dated April 9, 2021, Louisiana Public Service Commission v. Sean Gill dba Firemen Movers of Louisiana (*Docket No. T-35782, In Re: Alleged violation of La. R.S. 45:161 through 180.1, by engaging in moving household goods prior to complying with the requirements of La. R.S. 45:164 (E) and General Order dated May 04, 2017 occurring on or about November 10, 2020.*), ordering a \$10,000.00 fine with \$5,000.00 suspended upon certain conditions.

⁷ Order No. T-35361 dated January 9, 2020, Louisiana Public Service Commission vs. It Takes Two Movers LLC (New Orleans, Louisiana) (*Docket No. T-35361, In re: Alleged violation of La. R.S. 45:161 through 180.1, by 1) operating Intrastate without LPSC authority to transport household goods prior to complying with the requirements of La. R.S. 45:164 (E) and General Order dated May 04, 2017 and 2) engaging in activities related to moving household goods prior to complying with the requirements of General Order dated April 3, 2008 as amended.*), ordering a \$1000.00 fine.

⁸ Order No. T-32728 dated September 10, 2013, Louisiana Public Service Commission vs. Alliance Movers (Shreveport, Louisiana) (*Docket No. T-32728 In re: Alleged violation of Louisiana Revised Statutes Title 45:161 through 180.1, as amended, by operating intrastate without LPSC authority by engaging in activities related to moving household goods prior to complying with the requirements of La. R.S. 45:164(E)(1) and for failure to comply with the requirements of General Order dated April 3, 2008.*), ordering a \$1,000 fine.

⁹ Order No. T-36184 dated May 17, 2022, Louisiana Public Service Commission vs. Supermovers, LLC (*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. 45:161 (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.*), ordering \$4,500.00 in fines.

¹⁰ LPSC Staff’s Post-Hearing Brief at 7.

¹¹ *Id.* at 7-8, citing La. R.S. 45:171(C).

¹² Order No. T-33350 dated February 12, 2015, Louisiana Public Service Commission v. Elite Service Recovery & Towing, LLC (Lake Charles, Louisiana) (*Docket No. T-33350 - In Re: Alleged violation of Louisiana Revised Statutes Title 45:161 through 180.1 as amended, and General Order dated April 17, 2014 while operating under LPSC authority 6397 for exceeding state prescribed rates, allegedly having occurred on or about May 22, 2014.*).

¹³ Order No. T-34810 dated June 28, 2019, Louisiana Public Service Commission v. Moon’s Towing Service, Inc. (Jefferson, Louisiana) (*Docket No. T-34810 In re: Alleged violation of La. R.S. 45:161 through 180.1, and General Order dated August 05, 2016 while operating under LPSC authority 6519, for exceeding state prescribed rates, allegedly having occurred on or about November 17, 2017.*).

31339²⁸ as Commission precedent supporting customer refunds.²⁹ Commission Staff contends that Move Precision does not have Commission authority to conduct household goods moving services, has no tariff on file, and Move Precision should not be permitted to benefit from services it has no authority to provide. Moreover, as Commission Staff proved at the hearing that Move Precision conducted a move for which it had no authority, and based on “precedent to order refunds in similar situations,”¹⁷ Commission Staff asserts a full refund to Mr. Ubaha is reasonable.

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. Commission Order No. T-37019 issued June 18, 2024, accepts the Stipulation executed on May 1, 2024, by Harold Allen, identifying himself as the CEO of Move Precision. The Stipulation is also signed by Commission Staff Attorney, Paul Rachal, noting that the Stipulation is agreed to by Commission Staff. The Stipulation terms, cited in the *Applicable Law* section above, are included in Order No. T-37019, Section III, *Stipulation*.¹⁸
2. Move Precision timely paid the first two installment payments of the fine, but did not pay the third and final installment payment of \$166.00 on or before the July 1, 2024 deadline.
3. On July 24, 2024, Ms. Burl prepared a letter and mailed and emailed it to Move Precision. The letter advises Move Precision that it failed to satisfy the requirements of the Stipulation in Docket No. T-37019 by failing to remit the final payment; therefore, the final installment payment of \$166.00 and the \$500.00 suspended portion of the fine were due and payable upon receipt of the letter.
4. On July 24, 2024, Ms. Burl created an invoice in the Commission’s online payment system for Move Precision in the amount of \$666.00 reflecting the amount due as referenced in her correspondence to Move Precision issued that same date.
5. Ms. Burl initially received an email from Mr. Allen on July 24, 2024, in response to her correspondence, but as of the hearing date had not received further communication from Mr. Allen.
6. As of August 29, 2024, Move Precision had not paid the \$666.00. Therefore, Ms. Burl issued a citation to Move Precision directing it to appear at a hearing on December 5, 2024, to show cause why it should not be found guilty of violating Order No. T-37019. Order No. T-37019 and the Stipulation accepted therein were attached to the citation.

²⁸ *Order No. T-31339* dated October 26, 2010, Louisiana Public Service Commission vs Sonya K. Vaughn dba Gene’s Used Parts & Wrecker Service (Alexandria, Louisiana) (*Docket No. T-31339 In Re: Alleged violation of Louisiana Revised Statutes Title 45:161 through 180.1 as amended, and General Order dated October 2, 2008 while operating Intrastate without LPSC authority on one count; and for exceeding state prescribed rates allegedly occurring on or about March 15, 2010.*).

²⁹ *LPSC Staff’s Post-Hearing Brief* at 8.

¹⁷ *Id.*

¹⁸ The Commission’s issuance of Order No. T-37019 and the underlying violation(s) to which Move Precision admitted guilt in that docket are not at issue in this proceeding.

7. Notice of the citation was published in the Commission's *Official Bulletin* dated August 30, 2024. The *In re* as it appears on the citation and as published in the *Official Bulletin* states "In re: Alleged violation of Order T-37019 for failure to comply to the Affidavit and Stipulation executed on May 1, 2024."
8. Between August 29 and August 30, 2024, Move Precision conducted a move of Mr. Ubaha's household goods from one residence in New Orleans to another residence in New Orleans. Mr. Ubaha paid Move Precision a total of \$735.65.
9. On September 24, 2024, Mr. Ubaha filed a complaint with the Commission.
10. On October 1, 2024, Move Precision paid the \$666.00 invoice created by Ms. Burl on July 24, 2024, through the Commission's online payment system reflecting the \$166.00 missed payment and the \$500.00 suspended portion of the \$1000.00 fine from Order No. T-37019.
11. After investigating Mr. Ubaha's complaint, Ms. Burl issued a second citation to Move Precision styled as "Docket No. T-37358 Amended." It was mailed on October 9, 2024, via FedEx (Tracking No. 779128549426). This citation is identical to the initial citation except for clerical changes: adding "Amended" after the docket number in the heading; replacing the certified mail receipt number with the Fed Ex Tracking number; and updating the mail out, publication, and issuance dates. Mr. Ubaha's complaint was added as an attachment to this citation along with Order No. T-37019 and the Stipulation accepted therein.
12. Notice of the second citation was published in the Commission's *Official Bulletin* dated October 11, 2024. The *In re* as it appears on the second citation and as published in the *Official Bulletin* was unchanged from the initial citation and publication and states "In re: Alleged violation of Order T-37019 for failure to comply to the Affidavit and Stipulation executed on May 1, 2024."
13. As late as October 1, 2024, the Louisiana Office of Secretary of State Business Filings database lists 7591 Anne Marie Ct., New Orleans LA 70128 as the domicile and mailing address for Move Precision and as the address of its registered agent and only listed officer, Harold Allen.
14. The second citation was sent to Move Precision at 7591 Anne Marie Ct., New Orleans, LA 70128. FedEx Tracking results for Tracking No. 779128549426 state that the item was delivered on October 10, 2024, at 12:02 P.M. and signed for by "S.Pajeaud."
15. Move Precision was not registered with the LPSC as an intrastate household goods mover at the time of Mr. Ubaha's move, and as of the date of the hearing, had not become registered.
16. Move Precision did not appear at the hearing.

Conclusions of Law

1. At the hearing in this matter, the Commission Staff had the burden of proving its allegations against Move Precision. Because Move Precision did not appear at the hearing, the Commission Staff also had the burden of demonstrating that Move Precision was provided

fair notice of the hearing and the opportunity to present a defense.²⁹

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" ²⁰
3. In accordance with Commission Rules 7 and 19, on October 9, 2024, the Commission's Transportation Division sent the second citation (labeled "Docket No. T-37358 Amended") with attachments via FedEx to the address listed with the Louisiana Office of Secretary of State for Move Precision and its registered agent and officer, Harold Allen. The FedEx Tracking information states that the citation was delivered on October 10, 2024, providing actual notice. The record demonstrates that Move Precision had notice of the hearing date and was provided a fair opportunity to present a defense at the hearing to the allegations contained therein.
4. The Louisiana Constitution of 1974, Article 4, Section 21(B) mandates that the Commission regulate common carriers; adopt and enforce reasonable rules, regulations, and procedures; and, shall have other powers as provided by law. La. R.S. 45:163 states that the powers of the Commission shall include the power to adopt and enforce reasonable rules. La. R.S. 45:171(A) provides that no person shall violate any orders of the Commission promulgated under Title 45, Chapter 4 (Motor Carriers). Accordingly, the Commission has constitutional and statutory authority to enforce its rules and orders.

The Commission Staff cited Move Precision for allegedly violating Commission Order No. T-37019. The Commission Staff proved through testimonial and documentary evidence that Move Precision violated Order No. T-37019 by failing to comply with the terms of the Stipulation accepted therein. Specifically, Move Precision failed to pay the third installment payment of the fine on or before the July 1, 2024, due date and conducted a for-hire intrastate household goods move between August 29 and August 30, 2024, without first acquiring Commission authority.

Accordingly, we find Move Precision guilty of violating Commission Order No. T-37019 by failing to comply with the terms of Stipulation accepted therein.

5. The Commission Staff requests that Move Precision be fined \$2,000.00 for violating Commission Order No. T-37019. In support of the fine amount, Commission Staff argued that Move Precision was a repeat offender. Commission Staff noted that Move Precision pleaded guilty to violations as part of the Stipulation accepted in Order No. T-37019, and Move Precision's failure to comply with Order No. T-37019 is a second violation. In its Post-Hearing Brief, Commission Staff stated that a \$2,000.00 fine is regularly requested for repeat offenders, that a \$2,000.00 fine request has been consistently granted in similar dockets to the instant docket, and cited Docket Nos. T-36504, T-35782, T-35361, T-32728, and T-36184 in support of its requested \$2,000.00 fine. While all the matters cited by Commission Staff involve violations by household goods movers, none involved violations of orders accepting stipulations, none included fine requests for \$2,000.00, and not all

²⁹ 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.)*.

²⁰ *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*.

matters cited by Commission Staff were for repeat offenses.²⁹ Thus, the cited dockets are not applicable.

Order No. T-37019 states as follows (emphasis added):

In the Affidavit and Stipulation, Mr. Allen agreed to the imposition of a \$1,000.00 fine and a \$25.00 citation fee with \$500.00 of the fine suspended ***conditioned on the following conditions:***

1. Execute this Affidavit and Stipulation before a notary and return to LPSC Transportation Staff by May 1, 2024;
2. Cease engaging in activities related to moving household goods including the advertising for such services until such time as a Common Carrier Certificate is issued to Move Precision, LLC.;
3. Move Precision, LLC agrees to remove all references of moving services and change the language to read “labor only services” on the website <https://moveprecision.com/>;
4. Move Precision, LLC agrees to pay the fine in three monthly payments as follows:
 - Executed Affidavit and Stipulation with first payment of \$193.00 due May 1, 2024;
 - Second payment of \$166.00 due on June 3, 2024;
 - Final payment of \$166.00 due July 1, 2024;
5. ***Failure to comply with any of the above requirements will result in the \$500.00 suspended portion of the fine becoming due immediately.***

Order No. T-37019 accepts the Stipulation. The Stipulation includes specific terms resulting from an agreement between Move Precision and Commission Staff. Order No. T-37019 includes the Stipulation terms (quoted in the *Applicable Law* section and immediately above). Those terms include the penalty for Move Precision’s non-compliance with the stated conditions, which is that the \$500.00 suspended portion of the fine becomes due immediately. The sole allegation in this docket is that Move Precision violated Order No. T-37019 for failure to comply with the Stipulation. Commission Staff alleged that Move Precision missed the final payment deadline (in violation of Paragraph 4 of the Stipulation) and conducted Mr. Ubaha’s move (in violation of Paragraph 2 of the Stipulation). Paragraph 5 of the Stipulation expressly states that failure to comply with any of the above requirements results in the \$500.00 suspended portion becoming due immediately. As Order No. T-37019 includes the penalty if Move Precision fails to comply with its terms, it is that penalty that must be enforced. After Move Precision was issued the initial citation in this matter, Move Precision paid the missed payment of \$166.00 and the \$500.00 suspended portion of the fine (totaling \$666.00) on October 1, 2024.

The Commission unquestionably has the authority to enforce its orders and to fine violators. In this matter, Move Precision was cited only for violating the terms of Order No. T-37019, which has a penalty included therein. This Commission routinely enforces

²⁹ See footnotes 5 through 9.

orders with included penalty provisions, such as the Annual Report Order²⁹ and the Towing Order,²³ as well as orders that accept stipulations. Order No. T-37019 is not distinguished from other orders that include penalties for non-compliance or that accept stipulations. By requesting an additional \$2,000.00 fine, Commission Staff seeks to disregard the agreed-upon terms and substitute other terms, though Commission Staff did not present any argument supporting this substitution. An additional fine beyond what Move Precision and Commission Staff agreed to in the Stipulation, as accepted by the Commission in Order No. T-37019, renders the penalty for non-compliance included in Order No. T-37019 meaningless and is inconsistent with the rules of statutory interpretation.

In previous dockets where an alleged new violation has occurred, the carrier has been cited for a violation (or contempt) of a previous order and for the new violation,²⁴ but that is not the case here. Move Precision was cited only for violating Order No. T-37019 for failing to comply with the terms of the Stipulation. Move Precision was not cited for conducting Mr. Ubaha's move without authority as an additional or separate violation of the underlying household goods moving rules and regulations. The citation labeled as "Docket No. T-37358 - Amended" issued to Move Precision after Mr. Ubaha submitted his complaint did not expand the allegations from the initial citation to cite Move Precision for Mr. Ubaha's move. Only clerical changes were made from the initial citation. While a copy of Mr. Ubaha's complaint was added as an attachment to the second citation, Mr. Ubaha's move was relied upon to support Commission Staff's allegation that Move Precision violated the conditions of the Stipulation accepted in Order No. T-37019 and was not presented in support of a separate violation. Nothing in the second citation or the *Official Bulletin* publication of the second citation put Move Precision on notice that Mr. Ubaha's move was being relied upon as a separate violation and not as support for the alleged violation of Order No. T-37019. Additionally, neither at the hearing nor in its Post-Hearing Brief did Commission Staff request that Move Precision be found guilty of violating any Commission authority other than Order No. T-37019.²⁵

For the reasons herein, which are limited to the specific facts, citations issued, and law applicable to this docket, Commission Staff's request that Move Precision be fined \$2,000.00 is denied. Move Precision was cited only for its violation of Order No. T-37019, which contains a penalty for non-compliance. That penalty applies and that penalty has been paid by Move Precision.

6. The Commission Staff requests that Move Precision 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.
7. The Commission Staff also requests that Move Precision be ordered to refund Mr. Ubaha for the total amount he paid for the move, \$735.65. The Commission Staff asserts that Move Precision should not be allowed to benefit from services it has no authority to provide. First, the sole allegation in this matter is that Move Precision violated Order No. T-37019. Move Precision was not cited separately in this docket for alleged violations of the underlying household goods moving rules and regulations for conducting Mr. Ubaha's

²⁹ LPSC *General Order 3-18-21 (R-35438)* dated March 18, 2021 (*Docket NO. R-35348, In re: Possible modifications to General Order dated June 19, 2012 to clarify the deadline for filing of Annual Reports by motor carriers.*)(*"Annual Report Order"*) at 3.

²³ LPSC *General Order* dated February 17, 2022 (*Docket No. R-35595, In re: Review of the Schedule of Prescribed Rates and Requirements for Towing and Recovery services in General Order dated August 05, 2016.*)(*"Towing Order"*), Amended Attachment A at 5.

²⁴ E.g., *Order No. T-36211* dated March 24, 2022, *Louisiana Public Service Commission vs. Stafford Transport of Louisiana, Inc. d/b/a/ CEI (Docket No. T-36211, In re: Alleged violation of 1) Louisiana Revised Statutes Title 45:1177 and General Order dated November 22, 2011 for failure to properly pay to the state fees for the years 2018, 2019, and 2020 for the inspection, control, and supervision of its business service and rates authorized in Common Carrier Certificate Number 5653-M and 2) contempt of commission Order No. T-35132.*) and *Order No. T-36184* (cited in footnote 9).

²⁵ H'ing Tr. at 1:22-27 and 25:14-21; *LPSC Staff's Post-Hearing Brief* at 5-6 and 8-9.

move. Mr. Ubaha’s move was relied upon by Commission Staff as evidence that Move Precision violated Order No. T-37019. Therefore, the terms of Order No. T-37019 apply to Move Precision’s non-compliance, as discussed above. Second, even if Move Precision was cited for Mr. Ubaha’s move in addition to the alleged violation of Order No. T-37019, there is no provision in applicable Commission law for awarding refunds to household goods moving customers.

In support of the refund request, Commission Staff refers to La. R.S. 45:171(C), which states, in part, that “[a]s an additional sanction, the commission in its discretion may order the recovery and *forfeiture to the state treasurer* of all revenue derived by any person . . . from any violation of [Title 45, Chapter 4].” (Emphasis added.) The Commission Staff states that the Commission has the discretion to award refunds and cites several Commission dockets as precedent for the Commission’s issuance of refunds: Docket Nos. T-34810, T-33350, T-32100, and T-31339.²⁶

The Commission Staff did not cite any provision of law or Commission precedent authorizing a refund to a household goods moving customer. La. R.S. 45:171(C) states that the Commission may order recovery and forfeiture to the state treasurer, not to the customer. The dockets cited by Commission Staff as precedent for the issuance of customer refunds are all nonconsensual towing cases. The Commission’s rules applicable to nonconsensual towing and recovery rates, General Order dated February 17, 2022 (and the previous iterations in effect during the dockets listed by Commission Staff) contain a specific provision allowing customer refunds.²⁷ However, that order only governs nonconsensual towing and recovery services, not household goods movers. The Commission’s rules applicable to household goods movers (General Order dated March 16, 2021 and General Order dated August 21, 2008)²⁸ do not contain a provision authorizing customer refunds.

This Commission has previously considered and denied Commission Staff’s requests for customer refunds in household goods moving cases, finding there is no provision in the applicable household goods moving rules authorizing a customer refund. In *Order No. T-36184* dated May 17, 2022, although the Commission found the moving company guilty of repeated violations of the Commission’s rules and ordered fines and fees, the Commission denied Commission Staff’s request for a customer refund.²⁹

8. La. R.S. 45:171 (D) states that the Commission shall report any revenues or compensation derived by a person from violation of the provisions of this chapter to the Louisiana Department of Revenue. Thus, the Commission shall report to the Louisiana Department of Revenue the \$735.65 in revenue Move Precision derived from its violation of Order No. T-37019.

Conclusion

²⁶ See footnotes 12 through 15.

²⁷ *General Order* dated February 17, 2022, Louisiana Public Service Commission ex parte (Docket No. R-35595, *In re: Review of the Schedule of Prescribed Rates and Requirements for Towing and Recovery services in General Order dated August 05, 2016.*), *Schedule of Prescribed Rates and Requirements for Non-Consensual Towing, Recovery and Related Services*) at Section VI(B).

²⁸ *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.*) and *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 order.*) which amends *General Order* dated April 3, 2008

²⁹ *Order No. T-36184* (cited in footnote 9) at 10-11, Ordering Paragraph 8.

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

IT IS HEREBY ORDERED that:

1. Move Precision LLC is guilty of violating Commission Order No. T-37019 dated June 18, 2024, for failing to comply with the terms of the Affidavit and Stipulation accepted therein. Order No. T-37019 specifies the penalty for non-compliance, and as Move Precision has paid all fines including the penalty as required by Order No. T-37019, no additional fine is applicable.
2. Move Precision LLC is ordered to pay a \$25.00 citation fee to the Commission in certified funds within 30 days of the effective date of this order.
3. Commission Staff shall report to the Louisiana Department of Revenue the \$735.65 Move Precision derived from its violation of Order No. T-37019.

BY ORDER OF THE COMMISSION
BATON ROUGE, LOUISIANA
May 30, 2025



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

BRANDON M. FREY
SECRETARY

/S/ MIKE FRANCIS
DISTRICT IV
CHAIRMAN MIKE FRANCIS

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

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

/S/ DAVANTE LEWIS
DISTRICT III
COMMISSIONER DAVANTE LEWIS

/S/ JEAN-PAUL P. COUSSAN
DISTRICT II
COMMISSIONER JEAN-PAUL P. COUSSAN