

LOUISIANA PUBLIC SERVICE COMMISSION

GENERAL ORDER

**LOUISIANA PUBLIC SERVICE COMMISSION
EX PARTE**

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.

(Decided at the Commission's March 19, 2008 Business and Executive Session)

Purpose

This General Order is established for the purpose of protecting consumers from illegal and unscrupulous household goods carriers that obtain their customers through telephone directory advertising.

Background

In response to the continuing problem with illegal and unscrupulous household goods carriers that obtain their customers through telephone directory advertising, the Louisiana Public Service Commission (the "Commission" or "LPSC") initiated this Rulemaking docket at the February 14, 2008, Business and Executive Session for the purposes of establishing a rule requiring household goods carriers, operating intrastate, to publish their name, physical address and LPSC certificate number in all advertising, including telephone directory advertising and to provide for the disconnection of telephone service to those carriers who fail to comply. Notice of this Rulemaking was published in the February 22, 2008, edition of the Commission's Official Bulletin. Therein, the following proposed rule was published:

All household goods carriers, operating intrastate in Louisiana, shall 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 said information shall also be included on all invoices and written bids or estimates given to consumers. Any household goods carrier that fails to include said information in said advertising, invoices and/or written bid or estimate shall be subject to revocation of authority, and/or fine of not less than \$100.00, nor more than \$10,000.00, after notice and hearing. The Louisiana Public Service Commission may direct any Telecommunications Service Provider (wireline, wireless or any other technology) to disconnect the telephone number published in any telephone directory advertising of any household goods carrier that fails to include the information required herein in said telephone directory listing,

after notice and an opportunity for a hearing to said household goods carrier.

The public was given 15 days to intervene or protest the Rulemaking, and Staff requested specific comments, to be filed no later than March 10, 2008. Interventions were filed by Bellsouth Telecommunication Inc. d/b/a AT&T Louisiana and the Small Company Committee of Louisiana.

Jurisdiction

This Rulemaking was established pursuant to the following Constitutional and legislative authority:

Article IV, Section 21 (B) of the Louisiana State Constitution provides that:

The [public service] commission shall 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.

La. R.S. 45:164 E(1) provides that:

All movers of household goods shall be required to apply for and secure a registration permit from the Louisiana Public Service Commission, shall secure and maintain the insurance policies required by the Louisiana Public Service Commission for movers of household goods, shall comply with all other requirements of the Louisiana Public Service Commission, shall carry motor truck cargo carriers insurance of at least fifty thousand dollars per truck and one hundred thousand dollars per catastrophe, shall secure and maintain workers' compensation insurance, and shall file a surety bond by a qualified surety company with the Louisiana Public Service Commission in the amount of five thousand dollars, prior to engaging in any activities related to moving household goods.

Staff Recommendation

Having considered the comments received, Staff recommended the following final proposed rule:

All household goods carriers, operating intrastate in Louisiana, shall 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 said information shall also be included on all invoices and written bids or estimates given to consumers. Any household goods carrier that fails to include said information in said advertising, invoices and/or written bid or estimate shall be subject to revocation of authority, and/or fine of not less than \$100.00, nor more than \$10,000.00, after notice and hearing. The Louisiana Public Service Commission may direct any Telecommunications Service Provider (wireline, wireless or any other technology) to disconnect the telephone number published in any telephone directory advertising of any household goods carrier that fails to include the information required herein in said telephone directory listing, after notice and an opportunity for a hearing to said household goods carrier.

Staff further recommended that the following prohibition against "porting" of telephone numbers be included in the rule:

The issuance of a citation to any household goods carrier for failing to comply with this Rule and for the disconnection of its telephone service shall also be served upon the carrier's Telecommunications Service Provider and upon receiving notice of said proceedings, said Telecommunications Service Provider shall immediately freeze activity on the telephone number(s) impacted until disconnection is consummated by order of this Commission. In addition, the carrier's Telecommunications Service Provider shall not allow any porting of such telephone number(s) to another Telecommunications Service Provider.

Commission Action

The Commission considered the matter at the March 19, 2008, Business and Executive Session. On motion of Commissioner Boissiere, seconded by Commissioner Sittig, the Commission voted unanimously to adopt the proposed rule as follows:

All household goods carriers, operating intrastate in Louisiana, shall 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 said information shall also be included on all invoices and written bids or estimates given to consumers. Any household goods carrier that fails to include said information in said advertising, invoices and/or written bid or estimate shall be subject to revocation of authority, and/or fine of not less than \$100.00, nor more than \$10,000.00, after notice and hearing. The Louisiana Public Service Commission may direct any Telecommunications Service Provider (wireline, wireless or any other technology) to disconnect the telephone number published in any telephone directory advertising of any household goods carrier that fails to include the information required herein in said telephone directory listing, after notice and an opportunity for a hearing to said household goods carrier.

The issuance of a citation to any household goods carrier for failing to comply with this Rule and for the disconnection of its telephone service shall also be served upon the carrier's Telecommunications Service Provider and upon receiving notice of said proceedings, said Telecommunications Service Provider shall immediately freeze activity on the telephone number(s) impacted until disconnection is consummated by order of this Commission. In addition, the carrier's Telecommunications Service Provider shall not allow any porting of such telephone number(s) to another Telecommunications Service Provider.

IT IS THEREFORE ORDERED THAT:

- (A) All household goods carriers, operating intrastate in Louisiana, shall 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 said information shall also be included on all invoices and written bids or estimates given to consumers. Any household goods carrier that fails to include said information in said advertising, invoices and/or written bid or estimate shall be subject to revocation of authority, and/or fine of not less than \$100.00, nor more than \$10,000.00, after notice and hearing. The Louisiana Public Service

Commission may direct any Telecommunications Service Provider (wireline, wireless or any other technology) to disconnect the telephone number published in any telephone directory advertising of any household goods carrier that fails to include the information required herein in said telephone directory listing, after notice and an opportunity for a hearing to said household goods carrier.

(B) The issuance of a citation to any household goods carrier for failing to comply with this Rule and for the disconnection of its telephone service shall also be served upon the carrier's Telecommunications Service Provider and upon receiving notice of said proceedings, said Telecommunications Service Provider shall immediately freeze activity on the telephone number(s) impacted until disconnection is consummated by order of this Commission. In addition, the carrier's Telecommunications Service Provider shall not allow any porting of such telephone number(s) to another Telecommunications Service Provider.

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

April 3, 2008

/S/ JACK "JAY" A. BLOSSMAN
DISTRICT I
CHAIRMAN JACK "JAY" A. BLOSSMAN

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

/S/ C. DALE SITTIG
DISTRICT IV
COMMISSIONER C. DALE SITTIG

/S/ JAMES M. FIELD
DISTRICT II
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LAWRENCE C. ST. BLANC
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/S/ FOSTER L. CAMPBELL
DISTRICT V
COMMISSIONER FOSTER L. CAMPBELL