

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.

(Amending General Order dated April 3, 2008)

(Decided at the Commission's June 18, 2008 Business and Executive Meeting)

Purpose

This General Order was adopted by the Louisiana Public Service Commission (the "Commission" or "LPSC") to amend the Commission's General Order dated April 3, 2008, for the purpose of clarifying said Order.

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.

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 a Rulemaking docket at the February 14, 2008, Business and Executive Meeting 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 the 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. Having considered the comments received and the recommendations of Commission Staff, the Commission voted unanimously at the March 19, 2008, Business and Executive Meeting to adopt the proposed rule as follows:

(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.

On April 11, 2008, Commission Staff met with representatives of AT&T Louisiana, the Small Company Committee, Sprint/Next, Cox Telecom, Alltel Wireless and CTIA to discuss concerns of the telecommunication industry with regards to the "porting" prohibition in the Order. On April 22, 2008, the industry submitted language to clarify the Order. The clarification, if adopted, would remove Paragraph B from the General Order and replace it with additional language in Paragraph A, which provides that any ordered disconnection is binding with respect to the "impacted" telephone number upon any subsequent Telecommunications Service Provider(s) ("TSP"), provided the Order is served upon such "TSP". Under the proposed clarification, said disconnection would be binding upon subsequent providers, with no further action by the Commission, other than service of the initial disconnect order.

Staff Recommendation

Noting that the proposed language submitted by industry representatives continued to provide for the disconnection of telecommunication service to the impacted number, Staff did not object to the proposed clarification and recommended the adoption of the following amendment to the Commission's General Order dated April 3, 2008:

(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 by written order¹, 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. Any such disconnection order issued under this Order shall be binding with respect to the impacted telephone number(s) upon any

¹ Underscore denotes additions and ~~Strikethrough~~ denotes deletions

subsequent Telecommunications Service Provider(s) without further action, upon service by the Louisiana Public Service Commission upon such Telecommunications Service Provider(s) of the disconnection order.

~~(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.~~

Commission Action

The Commission considered the matter at the June 18, 2008, Business and Executive Meeting. On motion of Commissioner Blossman, seconded by Commissioner Field, the Commission voted unanimously to adopt the proposed amendment, with modification, as follows:

~~(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, and up to \$10,000.00, after notice and hearing. The Louisiana Public Service Commission may direct by written order, 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. Any such disconnection order issued under this Order shall be binding with respect to the impacted telephone number(s) upon any subsequent Telecommunications Service Provider(s) without further action, upon service by the Louisiana Public Service Commission upon such Telecommunications Service Provider(s) of the disconnection order.~~

~~(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.~~

IT IS THEREFORE ORDER THAT

The Commission's General Order dated April 3, 2008, be and is hereby, amended to read 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, and up to \$10,000.00, after notice and hearing. The Louisiana Public Service Commission may direct by written order, 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. Any such disconnection order issued under this Order shall be binding with respect to the impacted telephone number(s) upon any subsequent Telecommunications Service Provider(s) without further action, upon service by the Louisiana Public Service Commission upon such Telecommunications Service Provider(s) of the disconnection order.

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

August 21, 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
COMMISSIONER JAMES M. FIELD


LAWRENCE C. ST. BLANC
SECRETARY

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