

**PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Resolution ALJ-331  
Administrative Law Judge Division  
August 18, 2016

**RESOLUTION**

RESOLUTION ALJ-331. Resolves K.16-06-001, the Appeal of Desert Moving Company, LLC, from Citation FC-800 issued on April 28, 2016 by the Safety and Enforcement Division.

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**SUMMARY**

This resolution dismisses with prejudice the Appeal of Desert Moving Company, LLC from Citation FC-800 issued on April 28, 2016 by the California Public Utilities Commission's (Commission) Consumer Protection and Safety Division for violations of Public Utilities Code (Pub. Util. Code) §§ 5139, 5197, 5225, 5226 and Rule 7.1 of General Order (G.O.) 155-B. This proceeding is closed.

**BACKGROUND**

The Commission regulates household goods moving companies pursuant to the Interstate and Foreign Motor Carriers of Household Goods and Passengers Act (Pub. Util. Code § 3901, *et seq.*). Pursuant to Resolution ALJ-187, issued by the Commission on September 22, 2005, SED<sup>1</sup> is

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<sup>1</sup> Resolution ALJ-187 confers authority on the Consumer Protection and Safety Division, which is now known as the Consumer Protection and Enforcement Division.

authorized to issue citations to various classes of transportation carriers for violation of the Public Utilities Code and/or Commission orders. In turn, a carrier issued such a citation may accept the fine imposed or contest it through a process of appeal under Resolution ALJ-299.<sup>2</sup>

## **DISCUSSION**

On April 28, 2016, the Consumer Protection and Safety Division issued Citation FC-800. The parties have now reached a settlement of all issues, as reflected in the amended Citation FC-800 dated June 2, 2016. On June 13, 2016, appellant Desert Moving Company, LLC, filed a request to withdraw the appeal. The request is unopposed.

Citation Appeal K.16-06-001, the appeal of Desert Moving Company, LLC from Citation FC-800, should be dismissed at the unopposed request of the appellant because there are no remaining issues for the Commission to resolve.

## **SAFETY**

The Commission has broad authority to regulate Household Goods Carriers, particularly with regard to safety concerns. (*See*, for example, Pub. Util. Code §§ 451, 5382 and 5387.) Dismissal of the appeal is consistent with the Commission's authority to ensure Household Goods Carriers are meeting their regulatory obligations.

## **COMMENTS**

No public review or comment is required for this resolution pursuant to Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure.

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<sup>2</sup> The Commission issued Resolution ALJ-299 on June 26, 2014 for application beginning on January 1, 2015.

**ASSIGNMENT OF PROCEEDING**

Dan H. Burcham is the assigned Administrative Law Judge for this citation appeal.

**THEREFORE, IT IS ORDERED that:**

1. The appeal of Desert Moving Company, LLC from Citation FC-800 is dismissed with prejudice.
2. Proceeding K.16-06-001 is closed.

This resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed and adopted at a conference of the Public Utilities Commission of the State of California held on August 18, 2016, the following Commissioners voting favorably thereon.

/s/ TIMOTHY J. SULLIVAN  
TIMOTHY J. SULLIVAN  
Executive Director

MICHAEL PICKER  
President  
MICHEL PETER FLORIO  
CATHERINE J.K. SANDOVAL  
CARLA J. PETERMAN  
LIANE M. RANDOLPH  
Commissioners

\*\*\*\*\* SERVICE LIST \*\*\*\*\*

**K1606001 LIST**

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issued on April 28, 2016 by the Safety and Enforcement Division

\*\*\*\*\* PARTIES \*\*\*\*\*

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\*\*\*\*\* INFORMATION ONLY \*\*\*\*\*