

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

In the matter of the Order Instituting Investigation and Order to Show Cause on the Commission's own motion into the operations and practices of Fan Ding (aka Ding Fan or Lisa Ding), an individual doing business as Lucky Moving Co., Lucky Movers, Jixiang Moving Co., Northam Immigration Services, and Northman Immigration Service.

Investigation 04-07-003  
(Filed July 8, 2004)

**ADMINISTRATIVE LAW JUDGE'S RULING  
SETTING ASIDE SUBMISSION, SETTING EVIDENTIARY HEARING AND  
DIRECTING THE FILING OF DECLARATION**

This ruling sets aside the submission of the record of this proceeding, and directs Respondent Fan Ding (a.k.a. Ding Fan or Lisa Ding), an individual doing business as Lucky Moving Co., Lucky Movers, Jixiang Moving Co., Northam Immigration Services, and Northman Immigration Service, and the Commission's Consumer Protection and Safety Division (CPSD) to attend an evidentiary hearing on Tuesday, March 8, 2005 at 10:00 a.m., in the Commission Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, California. Respondent is also directed to file and serve, by no later than March 3, 2005, a declaration responding to the allegations contained in the declarations attached to CPSD's February 8, 2005 petition to set aside submission.

## **Discussion**

The Commission instituted this investigation to determine if Respondent's pending application for a household goods carrier permit should be denied for cause and lack of fitness in view of alleged violations of the Pub. Util. Code and the preliminary injunction issued by the Superior Court for the City and County of San Francisco. In addition, the OII indicated the Commission would consider whether to impose fines for such violations.

On November 1, 2004, Respondent and CPSD filed a joint motion for Commission adoption of a settlement of this matter. According to the settlement, Respondent shall pay a \$4,500 fine plus \$9,500 in investigative costs, and agrees to be in full compliance with the law in the future. Based on the record at the time, I submitted to the Commission, for its resolution at the January 27, 2005 business meeting, a draft opinion approving the settlement and closing the proceeding.

On January 26, 2005, CPSD informed the assigned commissioner that it intended to file a petition to set aside submission; the agenda item was held pending filing and resolution of such petition. On February 8, 2005, CPSD filed a petition to set aside submission and withdraw from the settlement. CPSD alleges, and provides declarations in support of its allegations, that Respondent has violated the settlement by advertising, offering, and providing household goods carrier services without a valid household goods carrier permit.

In view of CPSD's allegations, it is necessary to set aside submission and take further evidence to evaluate whether the proposed settlement is in the public interest.

**Filing of Declaration, Evidentiary Hearing, and Need for Translator**

This ruling directs Respondent to file and serve, by March 3, 2005, her declaration responding to the allegations of continuing violations of the Pub. Util. Code set forth in CPSD's petition to set aside submission. Respondent shall state whether she stipulates to or challenges each of the facts alleged therein, why the Commission should adopt the proposed settlement, and why the Commission should not order further sanctions and remedies against her in order to ensure that Respondent ceases to illegally operate as a household goods carrier. Respondent shall serve the prehearing conference statements on the attached service list as well as on assigned Administrative Law Judge (ALJ) Hallie Yacknin, 505 Van Ness Avenue, Room 5032, San Francisco, CA 94102 (ALJ Yacknin's e-mail address is hsy@cpuc.ca.gov).

Respondent is directed to appear at an evidentiary hearing set for March 8, 2005, at 10:00 a.m., in the Commission Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, California. At the hearing, the Commission may address other matters as may expedite the orderly conduct and disposition of the proceeding.

If Respondent requires a translator in order to provide testimony at the evidentiary hearing, Respondent shall so inform ALJ Yacknin, by e-mail or by phone (ALJ Yacknin's phone number is 415/703-1675), and specify the language for which translation is required, by no later than March 1, 2005.

**IT IS RULED** that:

1. The submission of this proceeding is set aside.
2. The Commission will hold an evidentiary hearing on March 8, 2005, at 10:00 a.m., in the Commission Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, California.



Service List

\*\*\*\*\* APPEARANCES \*\*\*\*\*

Gregory Heiden  
CALIFORNIA PUBLIC UTILITIES COMMISSION  
505 VAN NESS AVENUE  
SAN FRANCISCO CA 94102  
(415) 355-5539  
gXH@cpuc.ca.gov

Peter Chao  
Attorney At Law  
CHAO AND LOPEZ  
807 MONTGOMERY STREET  
SAN FRANCISCO CA 94133  
(415) 291-8887  
Chaolopez@yahoo.com

Fan Ding  
LUCKY MOVING COMPANY/LUCKY MOVERS  
2562 NORIEGA STREET 203  
SAN FRANCISCO CA 94122  
For: Jixiang Moving Co., Northam Immigration Services, and  
Northman Immigration Service

Jason J. Zeller  
Legal Division  
RM. 5030  
505 VAN NESS AVE  
San Francisco CA 94102  
(415) 703-4673  
jjz@cpuc.ca.gov

\*\*\*\*\* STATE EMPLOYEE \*\*\*\*\*

Richard Clark  
Consumer Protection & Safety Division  
RM. 2205  
505 VAN NESS AVE  
San Francisco CA 94102  
(415) 703-2349  
rwc@cpuc.ca.gov

Maxine Harrison  
Executive Division  
RM. 500  
320 WEST 4TH STREET SUITE 500  
Los Angeles CA 90013  
(213) 576-7064  
omh@cpuc.ca.gov

Suong T. Le  
Consumer Protection & Safety Division  
AREA 2-C  
505 VAN NESS AVE  
San Francisco CA 94102  
(415) 703-1216  
stl@cpuc.ca.gov

Hallie Yacknin  
Administrative Law Judge Division  
RM. 5003  
505 VAN NESS AVE  
San Francisco CA 94102  
(415) 703-1675  
hsy@cpuc.ca.gov

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

Gregg Bragg  
CALIFORNIA HIGHWAY PATROL  
PO BOX 942898  
SACRAMENTO CA 94289-0001



**CERTIFICATE OF SERVICE**

I certify that I have by mail, and by electronic mail to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Setting Aside Submission, Setting Evidentiary Hearing and Directing the Filing of Declaration on all parties of record in this proceeding or their attorneys of record.

Dated February 24, 2005, at San Francisco, California.

/s/ ELIZABETH LEWIS  
Elizabeth Lewis

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.