

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. T-100, SUB 80

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of)
Rulemaking Proceeding to Amend) ORDER ADOPTING
Commission Rule R2-26) AMENDMENTS TO
) RULE R2-26

BY THE COMMISSION: On March 12, 2010, the Commission issued an Order Initiating Proceeding to Amend Rule in Docket No. T-100, Sub 80. In that Order, the Commission addressed the recommendation of the Public Staff of the North Carolina Utilities Commission (Public Staff) with respect to amending Commission Rule R2-26(a) to include the requirement that movers of household goods place their certificate numbers on the rear of their vehicles. More specifically, the Public Staff stated that

Enforcement Section troopers have suggested that certificated carriers also put the certificate number on the rear of the vehicle when possible. Troopers stated that immediately visible identification would help them determine whether or not the vehicle is operated by a certificated carrier.

In Appendix A attached to the March 12, 2010 Order, the Commission provided its proposed revisions to Rule R2-26. Specifically, the Commission proposed that Rule R2-26(a) be modified to include the following text:

The North Carolina number assigned to such carrier shall also be placed on the rear, right lower quadrant, of such vehicle in letters and figures not less than three (3) inches high.

In addition, the Commission suggested that Rule R2-26(b) should be revised to indicate that in the case of a tractor-trailer unit, the marking must be on both sides of the tractor and on the rear, right lower quadrant of the trailer.

The Commission requested that all holders of a certificate of exemption to transport household goods granted by the Commission, all applicants with pending applications seeking certificates of exemption, the Public Staff, the Attorney General, the North Carolina Movers Association, Inc., and the North Carolina State Highway Patrol (the Highway Patrol) review the proposed rule revision as was provided in Appendix A attached to the March 12, 2010 Order and file initial comments or suggestions with the Commission on or before April 13, 2010.

Initial comments were filed with the Commission by the following four entities: the Public Staff; Roeder & Moore, LLC d/b/a Two Men and a Truck of Charlotte (Two Men); the Highway Patrol; and City Transfer and Storage Co. (City Transfer).

COMMENTS

The Public Staff is of the opinion that the proposed amendments should be clarified to indicate that the name and home address of the carrier must be placed only on the sides of the vehicle and, in the case of a tractor-trailer, only on both sides of the tractor. The Public Staff also recommended, “based on conversations with the Motor Carrier Enforcement Administration Section of the State Highway Patrol, that the placement of North Carolina number on the rear of the vehicle or trailer be changed from the right lower quadrant to the left upper quadrant for better visibility.”

The Highway Patrol proposed “that the carrier identification number should be located on the upper left portion of the rear, because it will make it easier to view and it will more than likely be maintained in legible condition due to the fact that there will be less opportunity to bump and cause damage.” The Highway Patrol also suggested that the “number should be in letters that contrast sharply in color with the background on which the letters are placed.”

Two Men commented that it is “in full support of placing the Certificate Numbers (C#) on the rear of the truck or trailers.” However, Two Men suggested that the placement of the C# be in a different spot than what is presently proposed. Two Men opined that it may be difficult for the Highway Patrol officers to see the legal C# if it is placed on the lower right bottom corner of the box. Instead, Two Men recommended that the Commission “consider placing the C# on the TOP, LEFT corner of the box for higher visibility and easier recognition.” Two Men observed that “Most trucks travel the highways at a slower speed than standard vehicles, thus traveling in one of the right-hand lanes. If the C# is place[d] High and Left, then the Officers would be able to see from both a greater distance and from the interior lanes of traffic.”

City Transfer opined that “it is in the best interest of all parties involved to place the NCUC numbers at the bottom left of the vehicle.” City Transfer based its comment on the fact it would have the correct visibility for law enforcement to view. City Transfer stated “the number would be eye level and on the appropriate side for enforcement to view while operating their vehicle.” City Transfer also stated “that from Industry side, it would be more cost efficient and safer to place the numbers on the lower left of the vehicle. Installation can be performed at ground level.”

WHEREUPON, the Commission reaches the following

CONCLUSIONS

The rule change proposal regarding Rule R2-26 was initially raised and addressed by the Commission during its consideration of various transportation-related issues in Docket No. T-100, Sub 69, by Order Ruling on Additional Comments issued October 30, 2009. The Commission accepted comments in an attempt to learn, among

other things, how it could better utilize its resources to identify and deter illegal or uncertificated movers of household goods from operating in the state. At that time, the Commission agreed with the Public Staff's suggestion that a change to Rule R2-26 allowing the certificate number on the back of the vehicles would allow the Highway Patrol to identify the vehicles of suspected uncertificated moving companies while on the road. The Commission reviewed the Public Staff's original filing which did not indicate a specific location for the placement of the certificate number in its filing. The Public Staff only noted that it would be beneficial to law enforcement to require the certificate number to be placed on "the rear of vehicles." The Commission proposed that the placement of the certificate numbers should be "the rear, lower right quadrant" in an effort to provide a specific location for placement of the certificate number. The Commission has carefully reviewed the comments that have been submitted in this docket and notices that the comments have clearly indicated that the placement of the certificate number should be in either the left upper quadrant or the bottom left as opposed to the right lower quadrant as originally suggested in the initial proposed rule change.

The Commission agrees with the majority of the commenters that, in addition to requiring the certificate number information to be placed on the side of vehicles, the certificate number should also be placed on the "rear, upper left quadrant of any vehicle engaged in the transportation of household goods." The Commission relies heavily on the suggestion of the Highway Patrol in directing this rule change. The Commission understands and values the important role that the Highway Patrol plays in detecting, identifying, and stopping illegal or uncertificated movers of household goods in the state. The Highway Patrol specifically suggested that the "number should be in letters that contrast sharply in color with the background on which the letters are placed." However, the Commission believes that the intent of the size of the letters and figures to not be "less than three (3) inches high," indicates that the information should be displayed in clearly visible characters that can be easily seen by the general public and by the Highway Patrol. The Commission is of the opinion that certificated movers should continue to be consistent with the appearance of the information placed on the sides as well as on the rear, upper left quadrant of their vehicles. This in no way minimizes the Highway Patrol's suggestion. The Highway Patrol's presence and involvement with said enforcement efforts are vital to the successful deterrence of such illegal activities which create a problem for the general public. To that end, the Commission wants to ensure that it takes the appropriate steps to aid the Highway Patrol in its efforts to identify uncertificated household good movers on the state's highways as well as balance the compliance obligations of current certificated movers.

The Commission further notes that the Public Staff recommended some clarifying amendments to the rule. Specifically, the Public Staff suggested that the Commission move the second full sentence in section (a) of Rule R2-26, beginning with "The North Carolina number assigned..." and place it below the example of the certificate number and address. The sentence would remain under section (a), but in a different location. The Public Staff also suggested that the Commission relocate the second full sentence in section (b) of the rule beginning with "In the case of a tractor-trailer..." and place it at the end of the sentence referenced above in section (a).

The Commission has reviewed these additional amendments and finds them reasonable. The Commission is of the opinion that the suggested amendments provide some further clarification on the purpose and intent of the rule as it relates to the proper location of the certificate numbers.

The Commission is confident that the changes in Rule R2-26 will allow the Highway Patrol to more readily distinguish vehicles on the road that are certificated and those that may not be certificated to transport household goods across the state. Therefore, the Commission finds good cause to order that Commission Rule R2-26 be amended such that holders of certificates of exemption will be required to also place the certificate numbers on **the rear, upper left quadrant of the vehicles** they use for the transportation of household goods in the state. The Commission further accepts the clarifying amendments suggested by the Public Staff.

IT IS, THEREFORE, ORDERED as follows:

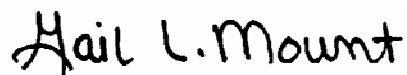
1. That Commission Rule R2-26 is hereby amended as set out in Appendix A, attached hereto, effective as of the date of this Order.

2. That the Chief Clerk shall serve a copy of this Order on all holders of a certificate of exemption to transport household goods granted by the Commission, all applicants with pending applications seeking certificates of exemption, the Public Staff, the Attorney General, the North Carolina Movers Association, Inc., and the Highway Patrol.

ISSUED BY ORDER OF THE COMMISSION.

This the 30th day of April, 2010.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink that reads "Gail L. Mount". The signature is written in a cursive, slightly slanted style.

Gail L. Mount, Deputy Clerk

Cf042910.01

Rule R2-26. Marking or Identification of Vehicles.

(a) No carrier shall operate any motor vehicle upon the highways in the transportation of household goods or passengers for compensation unless the name, or trade name, home address and the North Carolina number assigned to such carrier, as provided in Rule R2-25 appear on both sides of such vehicle in letters and figures not less than three (3) inches high.

Example: John Doe Trucking (Bus) Co.
 Greensboro, N.C.
 N.C. No. C-132(B-132)

The North Carolina number assigned to such carrier shall also be placed on the rear, left upper quadrant, of such vehicle in letters and figures not less than three (3) inches high. In case of a tractor-trailer unit, the side markings must be on the tractor and the rear markings must be on the trailer.

(b) The markings required may be printed on the vehicle, or on durable placards securely fastened on the vehicle.

(c) Subject to the exceptions noted below, this rule applies to every vehicle used by the carrier in his operation whether owned, rented, leased, or otherwise; but in case of rented or leased vehicles the words "Operated By" shall also appear above or preceding the name of the carrier, unless such vehicles are under permanent lease, in which case the name of the lessor and the words "Operated By" need not appear.

(d) This rule does not apply to carriers engaged only in interstate commerce. If the carrier is engaged in both interstate and intrastate commerce and is marked as required by the Federal Motor Carrier Safety Administration, then in that case, it will only be necessary for the carrier to print his North Carolina number in a conspicuous place near his name in letters and figures corresponding in size with Federal Motor Carrier Safety Administration regulations.

(NCUC Docket No. M-100, Sub 6, 10/15/65; NC Docket No. T-100, Sub 32, 8/23/95; NCUC Docket No. T-100, Sub 49, 01/09/04; NCUC Docket No. T-100, Sub 80, 04/29/10.)