

**BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION**

**IN THE MATTER OF THE APPLICATION OF )  
LAS CRUCES MOVING & STORAGE, INC., )  
TO AMEND CERTIFICATE NUMBER ) Case No. 17-00298-TR-M  
17162, AUTHORIZED TO PROVIDE )  
HOUSEHOLD GOODS SERVICE )  
\_\_\_\_\_ )**

**NOTICE OF APPLICATION FOR AMENDMENT TO A CERTIFICATE**

The Transportation Division (“Staff”) of the New Mexico Public Regulation Commission (“Commission”) through this Notice of Application for Amendment to a Certificate (“Notice”) hereby gives notice that Las Cruces Moving & Storage, Inc. (“Applicant”) has applied to the Commission to amend certificate number 17162, authorized to provide household goods service. Currently, Applicant’s certificate reads as follows:

Transportation of household goods between points in Dona Ana, County of New Mexico, over irregular routes under non-scheduled service. (Restricted to the performance of pickup and delivery service in connection with storage for the Department of Defense.)

Applicant, in this application for amendment to its certificate instead seeks to eliminate the entire sentence in its current operating authority beginning with “Restricted to” and to replace the first sentence in its entirety to instead read as follows:

Transportation of household goods from points and places in Dona Ana County, New Mexico, to points and places in the State of New Mexico, and return, with equipment to be stationed at 4071 Bataan Memorial West, Las Cruces, NM 88012.

Any member of the general public desiring to view the application may do so by contacting the Commission’s Records Office on the 4<sup>th</sup> Floor of the PERA Building, 1120 Paseo de Peralta, Santa Fe, New Mexico 87501.

Under the Motor Carrier Act, NMSA 1978, § 65-2A-1, et seq., the Commission cannot act on an application for a certificate less than twenty days after the date notice was

electronically published (“Notice Period”). NMSA 1978, § 65-2A-6 A. Electronic publication is accomplished by posting the Notice on the Commission’s web site and electronically sending the Notice to all motor carriers, public officials or agencies, or other persons or entities who have previously supplied electronic mail addresses to the Commission advising such persons or entities of the filing and posting. NMSA 1978, § 65-2A-6 A.

NMSA 1978, § 65-2A-14 B(2) of the Motor Carrier Act states that an amendment to a certificate to provide household goods is treated as an application for, and must meet the requirements of, a new certificate for household goods under NMSA 1978, § 65-2A-9.

**65-2A-9. Certificates for household goods service.**

A. Except as provided in this section and in Section 65-2A-13 NMSA 1978, the commission shall issue a certificate allowing a person to provide household goods service after notice and public hearing requirements are met, if the applicant:

- (1) is fit and able to provide the transportation to be authorized by the certificate;
- (2) has a place of business and stations equipment within the state and is in compliance with the safety and financial responsibility requirements of the Motor Carrier Act, the rules of the commission and other applicable federal and state laws and rules; and
- (3) has filed a tariff as provided in Section 65-2A-20 NMSA 1978.

\* \* \*

C. A certificate issued by the commission for provision of household goods service shall contain one or more endorsements, each of which shall specify:

- (1) the territory to be served, which shall be limited to territory sought in the application that will be served in a reasonably continuous and adequate manner beginning within thirty days of the issuance of the certificate or such other definite period or date as the commission may provide for a particular application, and shall generally be specified on the basis of county boundaries, subject to other or further specification by the commission by rule or in regard to a particular application; and
- (2) any reasonable terms of service that the commission may allow or require for the particular certificate.

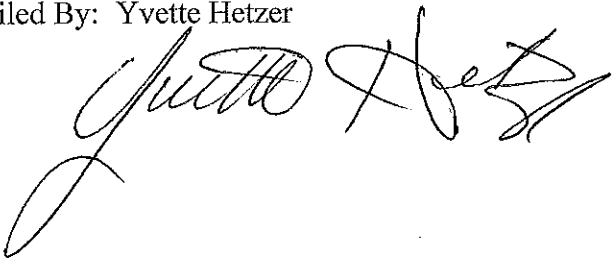
NMSA 1978, § 65-2A-9.

The Motor Carrier Act states that a person may file an objection to an application for a certificate during the Notice Period for the application. NMSA 1978, § 65-2A-13 A. The Commission may, but does not have to, hold a public hearing specific to an objection that is filed within the Notice Period. NMSA 1978, § 65-2A-5 B, and -13 A. The Commission may also on its own initiative decide to hold a public hearing. NMSA 1978, § 65-2A-5 B, and -13A. Further, if Staff requests a hearing, the Commission must hold a public hearing on the application. NMSA 1978, § 65-2A-5C, and -13 B.

Even if no hearing is held, before granting the application, the Commission must consider any objections that were filed within the Notice Period. NMSA 1978, § 65-2A-9 B. If a person filing an objection to the application is ultimately allowed by the Commission to intervene in the case (“Permissive Intervenor”), that person must pay a fee of two hundred fifty dollars (\$250). NMSA 1978, § 65-2A-36 A(2). At the public hearing, the Permissive Intervenor will have the burden of proof for all factual matters and legal issues that it alleges and on which it is permitted to intervene. NMSA 1978, § 65-2A-13 C(3).

The Commission’s Motor Carrier Rules are also available at the Commission’s web site.

Filed By: Yvette Hetzer

A handwritten signature in black ink, appearing to read "Yvette Hetzer", written in a cursive style.