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September 10, 2020

Ms. Amy Hornback
Secretary to the Commission
MS Transportation Commission
Post Office Box 1850
Jackson, Mississippi 39215-1850

Re: Application of Mighty Men Movers MS, LLC

Dear Ms. Hornback:

Please file the attached Recommendation with the Commission. This hearing was conducted on an application by Mighty Men Movers MS, LLC for issuance of a Certificate of Public Convenience and Necessity as a Common Carrier of Property (household goods) statewide as a common carrier. This matter also involved consideration of a permit as a contract carrier based upon information discovered during the application process.

Hearing Officer Tommy Thames has recommended that a permit be granted.

This matter will be presented to the Commission for ratification at the September 22, 2020 Commission Meeting.

If anyone has any questions or comments, please let me know. A copy of the application and exhibits are available for review, if needed.

Thank you as always for your kind assistance.

Sincerely,

N. Kyle Jones
Staff Attorney

NKJ/lat
Enclosure

Ms. Amy Hornback
Secretary to the Commission
MS Transportation Commission
September 10, 2020
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copy w/o enc.: Commissioner Tom King
Commissioner Willie Simmons
Commissioner John Caldwell
Melinda L. McGrath, P.E., Executive Director
Chief Willie Huff
Hearing Officer Tommy Thames

**MISSISSIPPI DEPARTMENT OF TRANSPORTATION
PERMITS AND MOTOR CARRIER ENFORCEMENT DIVISION**

**IN THE MATTER OF THE
APPLICATION OF MIGHTY MEN
MOVERS MS, LLC
38 Pass Road Suite A
Gulfport, Mississippi 39507**

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RECOMMENDATION

THIS CAUSE came before the Hearing Officer, Tommy Thames, Director of Permits and Motor Carrier Division, Office of Enforcement, Mississippi Department of Transportation, for a hearing on the 3rd day of September, 2020, in the hearing room at the office of the Mississippi Department of Transportation located at the Mississippi Department of Transportation's Central Laboratory Building, 412 East Woodrow Wilson, Jackson, Mississippi 39216, initially¹ to determine whether he should recommend that a certificate of public convenience and necessity (hereafter referred to as a "CPCN") be granted to the applicant, Mighty Men Movers MS, LLC ("applicant"), by the Mississippi Transportation Commission pursuant to the authority of Section 27-19-95 of the Mississippi Code of 1972, as amended.

The hearing was held pursuant to Section 77-1-21 and 77-7-291, *et seq.*, of the Mississippi Code of 1972, as amended, and pursuant to any and all other applicable Mississippi laws and regulations.

The Hearing Officer has jurisdiction over the party and the subject matter.

The applicant was present at the Board hearing, by and through Mr. James D. Wilson and Dorothy P. Wilson.

¹ Mighty Men Movers MS, LLC initially presented an application for a certificate of public convenience and necessity required for common carriers, but later in the proceedings suggested it is actually a contract carrier that requires a permit rather than a certificate of public convenience and necessity.

Mr. Gary Gollott Jr. of Gollott and Sons Transfer and Storage, Inc. in Gulfport, Mississippi, filed a letter in protest of the application and appeared at the hearing as an interested party to object to the said application. Mr. Robbie Myers of Bob Wootan Moving & Storage Company, Inc. in Jackson, Mississippi, also filed a letter in protest of the application but did not appear at the scheduled hearing.

Hearing Officer Tommy Thames was accompanied and advised by Suzanne Gill, Administrator Office of Enforcement, Mississippi Department of Transportation. The Hearing Officer and his advisor were represented by N. Kyle Jones, Staff Attorney, Mississippi Department of Transportation.

Based upon the evidence and testimony presented at the hearing, both for and against the application, the Hearing Officer makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

The Hearing Officer finds that:

1. All interested parties were notified of the time and place of the hearing in accordance with law.
2. The applicant appeared along with one (1) party objecting to the application.
3. The applicant has a small business with one moving truck and between six (6) and eight (8) independently contracted employees. The applicant provides moving services for hire for household goods by individual contracts/agreements.
4. The applicant has operated as a mover of household goods since 2004 without applying for any operating authority (either a CPCN or a permit) for his business under Mississippi law.
5. During that sixteen (16) year period, the applicant has operated intrastate as a mover of household goods with its own truck as a mover of household goods.
6. The applicant claims it first learned of the need for operational authority for its business in 2020, and immediately proceeded with a process of learning the requirements for operational authority for its business and applying for said operational authority in July, 2020.

6. The objecting parties provided written statements and testimony stating that there is more than adequate moving services in the Gulfport area and throughout the State of Mississippi.
7. The applicant initially requested a CPCN. After the hearing, it was suggested by the Hearing Officer, that upon review of the facts, that the applicant was in reality a Contract Carrier as defined by Mississippi law requiring a permit for operational authority instead of a CPCN.

CONCLUSIONS OF LAW

1. That the Hearing Officer has jurisdiction over the party and the subject matter and is authorized to make this recommendation to the Mississippi Transportation Commission.
2. That the Hearing Officer finds that the applicant has operated as a mover of household goods for sixteen years and as such a need for its services exist.
3. That the applicant's actions after learning of the requirements for operational authority for its business under Mississippi law demonstrate that the applicant does possess the necessary fitness, willingness, and ability necessary under Mississippi law to perform properly the service of a contract carrier by motor vehicle and to conform to the necessary provisions of Sections 77-7- 1, *et seq.*, and thus the applicant's request for permit authority should be granted pursuant to Mississippi law.

IT IS, THEREFORE, the recommendation of the Hearing Officer that the Mississippi Transportation Commission issue an order ratifying and affirming this recommended order in all aspects; granting the applicant issuance of a permit for Contract Carrier as provided by law.

IT IS RECOMMENDED that the application of Mighty Men Movers MS, LLC for a permit to operate as a Contract Carrier in intrastate operations hauling household goods statewide is hereby **GRANTED** based on the evidence and testimony presented at the hearing.

A copy of this recommendation shall be served upon the applicant, Mighty Men Movers MS, LLC, and all objecting parties by sending a true and correct copy by United States Mail, first class, postage pre-paid, to their regular business addresses.

This matter will be brought before the Mississippi Transportation Commission for ratification at the Mississippi Department of Transportation Administration Building, on September 22, 2020, at 10:00 a.m. at the regular Mississippi Transportation Commission meeting.

SO ENTERED, THIS THE 10th DAY OF September, 2020.

BY: 

TOMMY THAMES
HEARING OFFICER

CERTIFICATE OF SERVICE

I, Tommy Thames, Hearing Officer in the above styled matter, do hereby certify that I have this date, forwarded a true and correct copy of the above and foregoing Recommendation to the following:

Mr. James D. Wilson
Mighty Men Movers MS, LLC
13205 Chasae Lane
Gulfport, MS 39503

Mr. Gary Gollott, Jr.
Gollott & Sons Transfer & Storage, Inc.
Post Office Box 6709
Gulfport, Mississippi 39506

Mr. Robbie Myers
Bob Wootan Moving & Storage Company, Inc.
1650 Whiting Road
Jackson, MS 39209

WITNESS MY SIGNATURE, this the 10th day of September, 2020.



TOMMY THAMES, HEARING OFFICER