

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

Director of the Manufactured Housing and Modular Units)
Program of the Missouri Public Service Commission,)
)
Complainant,)
)
v.)
)
CMH Homes, Inc.,)
d/b/a Clayton Homes # 303)
and Clayton Homes # 817,)
)
Respondent.)

File Nos. MC-2016-0032
MC-2016-0055
MC-2016-0067
MC-2016-0074

MOTION TO CONSOLIDATE CASES AND SET MEDIATION

COMES NOW the Director of the Manufactured Housing and Modular Units Program of the Missouri Public Service Commission, by and through undersigned counsel, for its *Motion to Consolidate Cases and Set Mediation*, respectfully states as follows:

1. On August 10¹, pursuant to its duly delegated authorities, the Director of the Manufactured Housing and Modular Units Program (“Director”) of the Missouri Public Service Commission (“Commission”) filed a complaint, identified as MC-2016-0032, against CMH Homes, Inc., d/b/a Clayton Homes #303 (“Clayton”), a regulated manufactured housing dealer, as defined in § 700.010(4), alleging multiple violations of Commission rules and seeking statutory penalties defined in § 700.100 and § 700.045(5), RSMo.

¹ All events reference herein occurred in the year 2015.

2. On September 9, the Director filed a complaint, identified as MC-2016-0055, against CMH Homes, Inc., d/b/a Clayton Homes #817 (“Clayton”), alleging multiple violations of Commission rules and seeking statutory penalties defined in § 700.100 and § 700.045(5), RSMo.

3. On September 16, the Director filed a complaint, identified as MC-2016-0067, against Clayton alleging multiple violations of Commission rules and seeking statutory penalties defined in § 700.100 and § 700.045(5), RSMo.

4. On September 23, Clayton requested mediation on File Nos. MC-2016-0055 and MC-2016-0067.

5. On September 24, in File No. MC-2016-0032, in response to the Commission’s *Order Directing Filing*, Staff filed its *Pre-Hearing Conference Proposal*, proposing a date be set for a pre-hearing conference. A hearing date has yet to be set.

6. On September 24, the Commission issued its *Order Setting Deadline For Response To Requests For Mediation And Suspending Deadlines* in File Nos. MC-2016-0055 and MC-2016-0067 requesting the Director respond to the mediation request filed by Clayton.

7. On September 24, the Commission issued its *Order Directing Filing*, requesting that the Director respond to its request to consolidate the cases in File Nos. MC-2016-0032, MC-2016-0055, and MC-2016-0067 by October 5.

8. On September 24, 2015, the Director filed a complaint, identified as MC-2016-0074, against Clayton alleging multiple violations of Commission rules and seeking statutory penalties defined in § 700.100 and § 700.045(5), RSMo.

9. In response to the Commission's September 24 *Order Directing Filing*, the Director agrees that consolidation of these files should be permitted, and further moves to include MC-2016-0074.

10. The Commission has authority to consolidate pending actions involving related questions of law or fact pursuant to 4 CSR 240-2.110(3),

When pending actions involve related questions of law or fact, the commission may order a joint hearing of any or all the matters at issue, and may make other orders concerning cases before it to avoid unnecessary costs or delay.

11. The cases involve the same parties whose interests shall not be prejudiced by consolidation of the files. Furthermore, the Director believes that consolidation of these files will save both parties the duplicative costs associated with multiple proceedings.

12. In response to the Commission's September 24 *Order Setting Deadline For Response To Requests For Mediation And Suspending Deadlines*, the Director believes that mediation may resolve the issues underlying the complaints, and further moves to include File Nos. MC-2016-0032 and MC-2016-0074.

13. The Commission has authority to order mediation, pursuant to 4 CSR 240-2.110(3), before any further proceeding in a case as it deems appropriate, or upon request.

14. The parties have agreed to participate in a mediation to resolve all cases on October 5, 2015, at 10 a.m. at the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, 65102.

15. Counsel for Staff has contacted the interested parties in these matters regarding this motion. Clayton has agreed that the date and time proposed by Staff for mediation.

WHEREFORE, Staff files this *Motion to Consolidate Cases and Set Mediation* and respectfully requests that MC-2016-0032, MC-2016-0055, MC-2016-0067, and MC-2016-0074 be consolidated and that mediation be granted for aforementioned time and date.

Respectfully submitted,

/s/ Hampton Williams

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed with first-class postage, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 28th day of September, 2015.

/s/ Hampton Williams