

1 STATE OF MISSOURI
2 PUBLIC SERVICE COMMISSION

3
4 PREHEARING CONFERENCE

5 February 5, 2003
6 Jefferson City, Missouri
7 Volume 1

8 Director of the Manufactured)
9 Housing and Modular Units)
Program of the Public)
10 Service Commission,)
Complainant,)
11 vs.) Case No.: MC-2002-11
12 I-70 Mobile Home Sales, Inc.,)
d/b/a I-70 Mobile Home)
13 Sales, and I-70 Mobile)
Home Sales, Inc., d/b/a)
14 Interstate Homes,)
Respondent.)
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19 KEVIN A. THOMPSON, Presiding,
20 CHIEF REGULATORY LAW JUDGE.

21 REPORTED BY:

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1 APPEARANCES:

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7 FOR: Staff of the Missouri Public Service
8 Commission.

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1 P R O C E E D I N G S

2 (Written Entries of Appearance filed.)

3 JUDGE THOMPSON: Okay. We'll go on the
4 record.

5 Good morning. We're here in the Matter of
6 MC-2002-11, Director of the Manufactured Housing and
7 Modular Units Program of the Public Service Commission,
8 Complainant, versus I-70 Mobile Home Sales, Inc. doing
9 business as I-70 Mobile Home Sales and I-70 Mobile Home
10 Sales, Inc. doing business as Interstate Homes,
11 Respondent.

12 We'll go ahead and take oral entries of
13 appearance at this time. Who is here for the Director?

14 MR. BATES: Good morning, Your Honor. My name
15 is Bruce H. Bates, and I'm an attorney with the
16 Missouri Public Service Commission.

17 I am representing the Director in this matter.
18 And my address is Post Office Box 360, Jefferson City,
19 Missouri 65102.

20 JUDGE THOMPSON: Thank you, Mr. Bates.

21 And who is present by Respondent?

22 MR. HARRISON: For Respondent I am present.
23 Don Harrison, president of I-70 Mobile Home Sales and
24 Interstate Homes, a secondary location that we have.

25 And my address is P. O. Box 426, O'Fallon,

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1 Missouri 63366.

2 I'm here to answer any questions that they may
3 have on this.

4 JUDGE THOMPSON: And, Mr. Harrison, are you an
5 attorney?

6 MR. HARRISON: No, sir.

7 JUDGE THOMPSON: Just -- does Respondent have
8 an attorney, as far as you know?

9 MR. HARRISON: I didn't know I even needed an
10 attorney.

11 JUDGE THOMPSON: Well --

12 MR. HARRISON: I called here and they said I
13 didn't.

14 JUDGE THOMPSON: I see. The reason I raise
15 the point is because evidently Respondent is a
16 corporation; is that correct?

17 MR. HARRISON: Yes.

18 JUDGE THOMPSON: Doing business in corporate
19 form. And, of course, a corporation is a legal person,
20 but nonetheless a fictitious person.

21 And so a corporation does not have the
22 privilege that a natural real person has of
23 representing itself in Court.

24 A corporation as fictitious entity has to be
25 represented by an attorney. So I would bring that to

1 your attention so that for further proceedings in this
2 case you can retain counsel.

3 But we can certainly go ahead with what we're
4 here for today, which is primarily two things.

5 No. 1 is the bring the parties together to see
6 whether or not a resolution can be negotiation. Now, I
7 understand in this case there has been mediation; is
8 that correct?

9 MR. HARRISON: Yes, sir.

10 JUDGE THOMPSON: Mediation has failed and --

11 MR. HARRISON: No, it hasn't failed.

12 JUDGE THOMPSON: It has not failed.

13 Okay. So there's a difference of opinion on
14 that point.

15 MR. HARRISON: No, it did not -- it's not a
16 difference of opinion. It hasn't failed.

17 JUDGE THOMPSON: Okay. Thank you, sir.

18 The second reason we're here is so that a
19 procedural schedule can be prepared. And by bringing
20 you together with your calendars you can select
21 appropriate dates.

22 Mr. Bates knows what sort of dates we need,
23 and he will assist you in doing that.

24 Do we have any matters that we need to take up
25 at this time?

1 MR. BATES: Not for the Director, thank you.

2 JUDGE THOMPSON: Very well.

3 Respondent?

4 MR. HARRISON: I might have a matter as to our
5 mediation that we had. Our mediation -- there was an
6 understanding that -- I told them they -- I'm
7 not -- didn't feel that I was at fault. No one could
8 prove that I was at fault in this situation.

9 But rather than resolve the situation, I hired
10 an engineer -- had engineering work. And I said either
11 we can do the work or we'll have an outside contractor
12 do the work for the problem with the particular home.

13 In that case everyone had agreed. And in that
14 agreement all we had to do was to get in the house.

15 I told them I had trouble. The woman
16 wouldn't -- and the husband would not let us in their
17 home to do the work.

18 So the Public Service Commission agreed that
19 since we're having such a problem, that they could
20 possibly do it.

21 And there's no way that I can solve the
22 problem if they won't let me in the house to make the
23 necessary repairs.

24 And that is the breakdown on the mediation.

25 JUDGE THOMPSON: Okay. I -- I appreciate

1 that.

2 I also see that there has been no Staff
3 investigation in this case. And, of course, this is
4 Staff's complaint so perhaps a Staff investigation
5 would be fruitless.

6 Well, I'll let you guys go ahead and talk and
7 work out a procedural schedule. I don't know whether
8 there's any possibility that a settlement can be
9 reached at this time, but I hope you will explore that.

10 But I will have to insist that the company
11 retain counsel for any further proceedings, okay?

12 And just so you understand, that's not my
13 rule, that's not the PSC's rule; that's the rule of the
14 Supreme Court of Missouri. And there's nothing we can
15 do but obey it, okay?

16 MR. HARRISON: So -- so this meeting really is
17 useless because I don't have an attorney because I
18 didn't know that I needed one; and I'll have to -- I'm
19 going to get with Joyce, which is with the Public
20 Service -- I mean, with the Manufactured Housing
21 Association and then I'll hire an attorney here in
22 Jefferson City to represent us to get with you,
23 Mr. Bates.

24 And all I would like to do is settle it. Why
25 do we have to go to court?

1 MR. BATES: Well, I -- I think --
2 JUDGE THOMPSON: Thank you.
3 MR. BATES: -- that's something that we can
4 talk about.
5 JUDGE THOMPSON: There being nothing further,
6 this prehearing conference is adjourned.
7 Thank you.
8 MR. BATES: Thank you.
9 JUDGE THOMPSON: This room is available to you
10 until 5 p.m. Be seated, please.
11 WHEREUPON, the on-the-record portion of the
12 prehearing conference was concluded.
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