

**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

VOLUNTARY WITHDRAWAL OF CERTAIN COMPLAINTS
AND REQUEST FOR DIRECTED FILING

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 Withdraw Complaint*, respectfully states as follows:

1. On August 10,¹ 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.

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”),

¹ All events referenced herein occurred in the year 2015.

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 24, 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.

5. Pursuant to a pre-hearing conference, the Parties agreed to terms, outlined in Staff's *Motion to Order Reporting*, that required the repair of the properties at issue to the satisfaction of Staff inspectors and required payment to the Public School Fund for the withdrawal of the filed complaints.

6. On October 8, the Commission issued its *Order Directing Filing* wherein the Parties were instructed to file a status report no later than November 5.

7. On October 30, in response to a request by the Respondent to exercise a thirty (30) day reporting extension, the Commission issued its *Order Directing Filing* instructing the Respondent to file a status report no later than December 4.

8. On December 9, the Commission issued its *Order Suspending Schedule* upon the request of the Parties who cited compliance with the terms of October 7 filing, and sought relief from the reporting schedule to permit Staff an opportunity to inspect repaired properties.

9. On December 17, Staff conducted an inspection of the Stack home (MC-2016-0067) and Nolfo home (MC-2016-0072), and while the Nolfo site passed

inspection, Staff found deficiencies with the engineering report submitted by Clayton Homes for the Stack site, as the report lacked an engineer's seal and failed to address several issues. On January 4, 2016, Clayton Homes submitted a supplemental engineering report addressing Staff concerns. Successful inspections of the Parks home (MC-2016-0032) and the Allen home (MC-2016-0055) had been previously completed, and the Respondent made payment to the Public School Fund within thirty days of the agreement.

10. In recognition that all terms of the initial agreement between the parties have been satisfied with regard to MC-2016-0032, MC-2016-0055, MC-2016-0067 and MC-2016-0072, noting that no testimony or oral evidence has been filed with the Commission, pursuant to 4 CSR 240-2.116, the Director voluntarily dismisses the complaints filed in MC-2016-0032, MC-2016-0055, MC-2016-0067 and MC-2016-0072.

WHEREFORE the Director submits this pleading declaring the voluntary withdrawal of complaints MC-2016-0032, MC-2016-0055, MC-2016-0067 and MC-2016-0072.

Respectfully submitted,

/s/ Hampton Williams

Wm. 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 4th day of January, 2016.

/s/ Hampton Williams