



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

JAY NIXON
ATTORNEY GENERAL

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April 8, 2004

FILED

APR 9 8 2004

Missouri Public
Service Commission

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
Adjudication Division - Data Center
P.O. Box 360
Jefferson City, Missouri 65102-0360

Re: Case No. MC-2004-0078
*Director of the Manufactured Housing and Modular Units Program of the
Public Service Commission v. A & G Commercial Trucking, Inc.*

Dear Secretary Roberts:

Enclosed please find a Motion for an Order of the Commission removing the Attorney General as a Party to the above-styled matter.

Thank you for your courtesies in this matter.

Respectfully submitted,

JEREMIAH W. (Jay) NIXON
Attorney General of Missouri

A handwritten signature in cursive script, reading "Laura Krasser".

LAURA KRASSER
Chief Counsel
Consumer Protection Division
(573) 751-7007

Enc.

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED

APR 08 2004

Director of the Manufactured Housing and
Modular Units Program of the Public Service
Commission,

Complainant,

v.

A & G Commercial Trucking, Inc.,

Respondent.

Missouri Public
Service Commission

Case No. MC-2004-0078

MOTION FOR ORDER OF THE COMMISSION
REMOVING THE MISSOURI ATTORNEY GENERAL AS A PARTY

Jeremiah W. (Jay) Nixon, Attorney General, through his assistant Laura Krasser, respectfully moves for an order of the Commission removing him as a party to the above-styled action. In support of his motion, the Attorney General states the following:

On March 8, 2004, the Attorney General filed a civil suit pursuant to Chapter 407, RSMo, for preliminary and permanent injunctions, restitution, and other penalties against, among others, Greg DeLine, the owner of the Respondent company in the present action. In his civil suit, the Attorney General also seeks revocation of the manufactured housing dealer license issued by the Director of the Manufactured Housing and Modular Units Program of the Public Service Commission ("Director") to Amega Sales, Inc., pursuant to Chapter 700, RSMo. The style of the Attorney General's case is *State of Missouri v. Greg DeLine et al.*, Case No. 04CV165070.

On March 25, 2004, this Commission entered an order making the Attorney General a party to the present action, citing the Attorney General's authority to enforce § 407.020, RSMo, under the provisions of § 700.115(1), RSMo. The Attorney General respects the Commission's order and is glad for the opportunity to be heard.

On April 7, 2004, the defendants in the Attorney General's suit filed a Motion to Dismiss. One of the grounds cited is the Attorney General's party status in the present action. While some of the issues in both the Attorney General's action and the Director's action overlap, Chapter 407 provides unique authority for the Attorney General to pursue remedies unavailable to the Director. The Attorney General believes that it is in the best

interest of Missouri consumers for him to pursue all available remedies through his civil suit rather than also being a party to the Director's action.

Therefore, the Attorney General respectfully requests that the Commission issue an order removing him as a party.

Respectfully submitted,

JEREMIAH W. (Jay) NIXON
Attorney General of Missouri



LAURA KRASSER
Chief Counsel
Consumer Protection Division

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Jefferson City, MO 65109
Phone: (573) 751-7007
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was mailed, via U.S. mail, postage paid, on this 8th day of April, 2004, to:

Dana K. Joyce
General Counsel
P.O. Box 360
200 Madison St., Ste. 800
Jefferson City, MO 65102

Amega Sales, Inc.
Thomas Harrison
1103 East Broadway, Ste. 101
P.O. Box 1017
Columbia, MO 65205



Chief Counsel, Consumer Protection