

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

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

Complainant,)

v.)

Case No. MC-2006-0389

Blakely Manufactured Homes)

Respondent.)

LIST OF ISSUES AND POSITION STATEMENTS

COMES NOW the Director of the Manufactured Housing and Modular Units Program of the Public Service Commission (“Director”, “Staff”, and “Department”), by and through the Missouri Public Service Commission’s (“Commission”) Office of General Counsel, and for its List of Witnesses states as follows:

On July 3, 2006, the Commission issued its *Order Setting Procedural Schedule* (“Order”) in the above-captioned case. This Order directed the Manager of the Commission’s Manufactured Housing and Modular Units Program (hereinafter referred to as “Director”) to file a list of issues and further directed the parties to file a statement of position for each issue. The Commission, in its August 29th Second Order Amending Procedural Schedule, reset the filing date for the List of Issues and Statements of Position to October 25, 2006. Accordingly, the Director submits the following List of Issues and Statements of Position, which coincide with and reflect Counts 1 through 9 of the Director’s Complaint against Blakely Manufactured Homes (“Blakely”) filed April 7, 2006:

List of Issues and Statements of Position

Issue 1

Did Blakely fail to properly attach the Kings' home onto the basement foundation in accordance with manufacturer instructions?

Director's Position: Yes.¹ This is a violation of:

4 CSR 240-123.065(1) which provides "A dealer who sells a modular unit shall arrange for the proper initial setup of the modular unit...";

4 CSR 240-123.065(2) "As used in this rule, 'proper initial setup' means installation and setup of the modular unit in accordance with the installation manual provided by the manufacturer of the modular unit and in complete compliance with the code and with all of the provisions regarding setup in sections 700.010 to 700.115, RSMo."; and,

4 CSR 240-123.080(7) which provides that "All modular units...shall be set up or installed according to the manufacturer's installation manual."

Issue 2

Did Blakely fail to properly support the centerline of the Kings' home with necessary jack posts according to manufacturer instructions?

Director's Position: Yes.² This is a violation of 4 CSR 240-123.065(1) and (2), and 4 CSR 240-123.080(7).

Issue 3

Did Blakely fail to properly attach the supporting jack posts to the home's center beam and to the concrete footing according to the manufacturer's foundation drawing?

Director's Position: Yes.³ This is a violation of 4 CSR 240-123.065(1) and (2), and 4 CSR 240-123.080(7).

¹ See *Staff's Report*, item 5 on page 2, for a detailed description of the improper materials and procedures used in securing the home to the foundation. Refers to page FN-2.0 of the manufacturer's installation instructions.

² See *Staff's Report*, item 6 on page 2, for a detailed description of the improper procedures used in securing the home to the foundation. Refers to page 10.1 of manufacturer's foundation drawing.

³ See *Staff's Report*, item 7 on page 2, for a detailed description of the improper materials and procedures used. Refers to page XIII-A.39 of manufacturer's foundation drawing

Issue 4

Did Blakely fail to properly fasten the home's hinged roof according to manufacturer installation instructions?

Director's Position: Yes.⁴ This is a violation of 4 CSR 240-123.065(1) and (2), and 4 CSR 240-123.080(7).

Issue 5

Did Blakely fail to properly fasten in place the drop-in roof ridge sections of the home in accordance with manufacturer installation instructions?

Director's Position: Yes.⁵ This is a violation of 4 CSR 240-123.065(1) and (2), and 4 CSR 240-123.080(7).

Issue 6

Did Blakely fail to properly fasten together the end walls of both home sections in accordance with manufacturer installation instructions?

Director's Position: Yes.⁶ This is a violation of 4 CSR 240-123.065(1) and (2), and 4 CSR 240-123.080(7).

Issue 7

Did Blakely fail to properly construct the home stairway to the basement in accordance with the *International Residential Code-2000*?

Director's Position: Yes.⁷ This is a violation of 4 CSR 240-123.080(3) and (4); 4 CSR 240-123.065(1) and (2); and 4 CSR 240-123.080(7).

⁴ See *Staff's Report*, item 8 on page 2, for a detailed description of the improper materials and procedures used. Refers to page XIII-A.27 and A.28 of manufacturer's installation instructions.

⁵ See *Staff's Report*, item 9 on page 2, for a detailed description of the improper materials and procedures used. Refers to page CD-1.0 of manufacturer's construction detail.

⁶ See *Staff's Report*, item 10 on page 2, for a detailed description of the improper procedures used. Refers to page XIII-A.16 of manufacturer's installation instructions.

⁷ See *Staff's Report*, item 11 on page 2, for a detailed description of the improper procedures used. Refers to R316.1 and 2 of *International Residential Code-2000*.

Issue 8

Did Blakely fail to install guards on the sides of the home's basement stairway in accordance with the *International Residential Code-2000*?

Director's Position: Yes.⁸ This is a violation of 4 CSR 240-123.080(3) and (4); 4 CSR 240-123.065(1) and (2); and 4 CSR 240-123.080(7).

Issue 9

Did Blakely fail to install a handrail on the home's basement stairway in accordance with the *International Residential Code-2000*?

Director's Position: Yes.⁹ This is a violation of 4 CSR 240-123.080(3) and (4); 4 CSR 240-123.065(1) and (2); and 4 CSR 240-123.080(7).

Above footnotes 1 through 9 refer to page 2 of Staff's Site Inspection Report, originally filed with the Complaint as "Appendix B" and appended hereto as "Appendix B", and incorporated by reference herein.

WHEREFORE, the Director submits the List of Issues and Statements of Position in accordance with the Commission's orders as indicated above.

⁸ See *Staff's Report*, item 12 on page 2, for a detailed description of the improper procedures used. Refers to R316.1 and 2 of *International Residential Code-2000*.

⁹ See *Staff's Report*, item 13 on page 2, for a detailed description of the improper procedures used. Refers to R315.1 of *International Residential Code-2000*.

Respectfully submitted,

/s/Robert S. Berlin

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to the persons listed below on this 25th day of October 2006.

/s/Robert S. Berlin

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**Site Inspection Report
Modular Units**

Send Work Order To:
Manufactured Housing & Modular Units Program
PO Box 360 Jefferson City, MO 65102
Phone 1-800-819-3180 or Fax to 573-522-2509

CONSUMER INFORMATION

Name: King, Larry and Joyce
Address: 3607 County Road 328
City/State/Zip: Fulton, MO 65251
Phone: 573-544-6024

HOME INFORMATION

Date of Manufacture:
Model:
State Seal Number:
Serial Number:
Size: 32 x 64

DEALER

Name: Blakely Manufactured Homes
Address: 7428 Primrose Lane CR318
City/State/Zip: Fulton, MO 65251
Phone: 573-592-0987

INSPECTION INFORMATION

Date of Inspection: March 14, 2006
Inspector: Tim Haden

MANUFACTURE

Name: Four Seasons Housing, Inc.
Address: 11333 CR 2
City/State/Zip: Middlebury, IN 46540
Phone Number: 574-825-9999

RESPONSIBILITIES

Manufacture responsibility for items: 1,2,3,4
Dealer responsibility for items: 5,6,7,8,9,10

Pursuant to section R-104.1 of the IRC, these items are not in compliance.

SUMMARY OF PROBLEMS

At the time of this inspection;

- 1) This modular home did not bear the required Missouri "Seal". 700.015 (4), 4 CSR 240-123-030(1)
- 2) There was no manufacture "Data Plate" present on this modular home as required. 4 CSR 240-123-080(6)
- 3) A copy of the manufacture "Data Plate" received by fax from the manufacture, subsequent to this inspection, did not list the codes this unit was built to, as required. 4 CSR 240-123-080(6)
- 4) According to the manufacture Statement of Origin, this home was manufactured on January 30, 2006, and pursuant to the manufacture invoice number FSM20251, this home was shipped into Missouri to Blakely Manufactured Homes on February 6, 2006. At that time the manufacture did not have current approval for these plans from the Missouri Public Service Commission, Manufactured Housing and Modular Units Program as required in rule 4 CSR 240-123-040(10)(11). The new plan approval for this model was not approved by the Missouri Public Service Commission until March 1, 2006. 4 CSR 240-123.040

INSTALLATION DEFICIENCIES

SUMMARY OF PROBLEMS

- 5) This home was not properly installed on the basement foundation. The home was resting on concrete walls on the ends and backside and fastened to the walls using "Minute Man" frame straps that are embedded in the top of the concrete wall and fastened to the inside of the home's perimeter rim joist using (1) 1/4" x 1 1/2" lag bolt per strap. The straps are spaced approximately 2-feet to 4-feet from the corners, and up to approximately 6-feet to 7-feet apart along the walls. Minute Man company does not approve this frame strap for this application. The front side of the home was resting on a wood framed walkout wall. There was no visible fastening of the home to this wall. The walkout wall was fastened to the basement floor with anchor bolts, 1-inch washer and nut, spaced up to 17' apart. There was no sill plate installed on top of the basement walls as required by the manufacture. The manufacture requires a 2" x 6" treated sill plate fastened to the top of the basement wall using 1/2" x 7" minimum embedment anchor bolts with nut and 2-inch washer, spaced at 6-feet apart maximum and within 1-foot from the ends of each plate. An approved "Simpson Tie" installed according to the manufactures installation instructions may also be used to attach the sill plate to the foundation wall. The home's perimeter rim joist is required to be fastened to the basement sill plate using 16d nails spaced at 6-inches apart maximum. See page: FN-2.0 Manufactures installation instructions. 700.100, 4 CSR 240-123.065
- 6) The centerline of the home was not properly supported according to the manufactures installation instructions. The jack posts are spaced up to approximately 9-feet apart. The manufacture requires (14) jack posts spaced according to the attached approved drawing including the stairwell opening. See page: 10.1 Manufacture foundation drawing. 700.100, 4 CSR 240-123.065
- 7) The jack posts were not properly attached to the home's center beam and to the concrete footing. The jack posts were fastened at the top to the center beam on one side with lag bolts and were not fastened at the bottom. The manufacture requires the top of the posts to be fastened to the center beam using (2) #10 x 2" screws minimum. The base of the jack posts is to be fastened using (4) 5/8" x 8" anchor bolts. See page: XIII-A.39 Manufactures foundation drawing. 700.100, 4 CSR 240-123.065
- 8) The home's hinged roof was not properly fastened. There was no visible fastening between the home's hinged kingposts and the stubbed kingposts. When the hinged roof is lifted and set in place, the 2" x 3" bottom rail that is fastened to the hinged kingposts will rest on the stubbed kingposts. The manufacture requires this bottom rail to be fastened to the stubbed kingpost using (2) #8 x 3" wood screws, toe-screwed at each truss. See page: XIII-A.27 and A.28 Manufactures installation instructions. 700.100, 4 CSR 240-123.065
- 9) The drop-in roof ridge sections were not properly fastened in place according to the manufactures installation instructions. The manufactures installation instructions require that the bottom rails of the ridge sections to be fastened to the top rails of the roof sections using (2) #8 x 3-inch screws per bay. The ridge sections had been shimmed between the ridge rails and roof rails with lumber up to approximately 5-inches, and then the ridge sections were nailed in place. See page: CD-1.0 Manufactures construction detail. 700.100, 4 CSR 240-123.065
- 10) The end walls of the two sections were not properly fastened together according to the manufactures installation instructions. The manufacture requires that the end walls of the two sections to be fastened together using #8 x 3" screws spaced at 12-inches apart maximum. See page: XIII-A.16 Manufactures installation instructions. 700.100, 4 CSR 240-123.065
- 11) The stairway to the basement is not properly constructed. The stair tread depth is 9" and the minimum tread depth allowed is 10", with a minimum 3/4" nosing. R314.2 2000 IRC, 700.100, 4 CSR 240-123.065
- 12) There were no guards on the sides of the basement stairway. Stairs with total rise of more than 30" above the floor or grade must have guards not less than 34" in height, measured vertically from the nosing of the treads. The required guards shall have intermediate rails that do not allow the passage of a sphere 4-inches in diameter. The triangular opening formed by the riser tread and the bottom rail of the guard at the open side of a stairway must be constructed so that a sphere 6-inches in diameter will not pass through. Guards shall not be constructed with horizontal rails or patterns that result in a ladder effect. R316.1,2 2000 IRC, 700.100, 4 CSR 240-123.065
- 13) There was no handrail installed on the basement stairway. The basement stairway requires at least one handrail on one side of the stairway. R315.1 2000 IRC, 700.100, 4 CSR 240-123.065

Note. The home has sustained extensive damage.