

**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.)
)
Brookside Homes, Inc.,)
)
Respondent.)

Case No. MC-2009-0020

DIRECTOR'S AMENDED LIST OF ISSUES AND LIST OF WITNESSES

COMES NOW the Director of the Manufactured Housing and Modular Units Program of the Missouri Public Service Commission, by and through counsel, and for the parties agreed upon List of Issues and Witnesses states:

The following issues are to be determined in this case:

1. Did Brookside fail to arrange for the proper initial setup of a manufactured home sold by Brookside to Jeremy and Casey Dement, in violation of Section 700.100.3(6).

“Setup” is defined by section 700.010(14) as:

the operations performed at the occupancy site which renders a manufactured home or modular unit fit for habitation, which operations include, but are not limited to, moving, blocking, leveling, supporting, and assembling multiple or expandable units.

2. Did Brookside engage in conduct in violation of Section 700.045(5) by failing to correct code violations in a manufactured home sold by Brookside to Jeremy and Casey Dement within a reasonable period of time, not to exceed 90 days, after being ordered to do so in writing by the Director, in violation of Section 700.100.3(9).

The “code” adopted by the Commission pursuant to section 700.010(2) is defined in Rule 4 CSR 240-120 as:

- (1) The federal standards as incorporated by reference in 24 CFR Part 3280 constitute the code to be applied to new manufactured homes...which are rented, leased or sold or offered for rent, lease or sale in this state.
- (2) All new manufactured homes shall be set up or installed according to the manufacturer’s installation instructions.

3. Did Brookside fail to arrange for the proper initial setup of a manufactured home sold by Brookside to Bill Cook, in violation of Section 700.100.3(6).

Setup is defined by section 700.010(14) as:

the operations performed at the occupancy site which renders a manufactured home or modular unit fit for habitation, which operations include, but are not limited to, moving, blocking, leveling, supporting, and assembling multiple or expandable units.

4. Did Brookside engage in conduct in violation of Section 700.045(5) by failing to correct code violations in a manufactured home sold by Brookside to Bill Cook within a reasonable period of time, not to exceed 90 days, after being ordered to do so by the Director, in violation of Section 700.100.3(9).

The “code” adopted by the Commission pursuant to section 700.010(2) is defined in Rule 4 CSR 240-120 as:

- (1) The federal standards as incorporated by reference in 24 CFR Part 3280 constitute the code to be applied to new manufactured homes...which are rented, leased or sold or offered for rent, lease or sale in this state.
- (2) All new manufactured homes shall be set up or installed according to the manufacturer’s installation instructions.

5. Did Brookside fail to arrange for the proper initial setup of a modular unit sold by Brookside to the East Carter County R-2 School District, in violation of Section 700.100.3(6).

“Setup” is defined by section 700.100(14) as:

the operations performed at the occupancy site which renders a manufactured home or modular unit fit for habitation, which operations include, but are not limited to, moving, blocking, leveling, supporting, and assembling multiple or expandable units.

6. Did Brookside engage in conduct in violation of Section 700.045(5) by failing to correct code violations in a modular unit sold by Brookside to the East Carter County R-2 School District within a reasonable period of time after being ordered to do so by the Director, in violation of Section 700.100.3(9).

The “code” for modular units adopted by the Commission pursuant to section 700.010(2) is defined in Rule 4 CSR 240-123.080 as the manufacturer’s installation instructions and the International Building Code, the International Plumbing Code, the International Mechanical Code, the International Residential Code, the International Fuel Gas Code, and the National Electric Code.

The Director’s witnesses for this case, without any particular order are as follows:

Ron Pleus, Director

David Freeman, Inspector

Steven Warren

The Respondent’s witnesses for this case, without any particular order are as follows:

Steven Warren

William Connell

Respectfully submitted,

/s/ Steven C. Reed

Steven C. Reed
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Eric Dearmont
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Director's Amended List of Issues and List of Witnesses have been delivered by first class mail postage prepaid, and electronic mail, to Bob Bilbrey, Attorney for Brookside Homes, Inc. and via electronic mail to Christina Baker, Office of the Public Counsel, at Christina.Baker@ded.mo.gov on this 4th day of February, 2009.

/s/ Steven C. Reed