

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS
Prehearing Conference
April 26, 2001
Jefferson City, Missouri
Volume 1

Director of the Division of)
Manufactured Homes, Recreational)
Vehicles and Modular Units of the)
Public Service Commission,)
Complainant,)
v.) Case No. MC-2000-660
Discount Manufactured Housing,)
Inc.,)
Respondent.)

BILL HOPKINS, Presiding,
SENIOR REGULATORY LAW JUDGE.

REPORTED BY:
KELLENE K. FEDDERSEN, CSR, RPR
ASSOCIATED COURT REPORTERS, INC.

ASSOCIATED COURT REPORTERS, INC.
JEFFERSON CITY - COLUMBIA - ROLLA
(888)636-7551

1 APPEARANCES:

2 DANIEL R. CARTER, Attorney at Law
219 North Holden
3 Warrensburg, MO 64093

4 FOR: Discount Manufactured Housing:

5 BRUCE H. BATES, Assistant General Counsel
P.O. Box 360
6 Jefferson City, Missouri 65102
(573)751-3234

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

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

ASSOCIATED COURT REPORTERS, INC.
JEFFERSON CITY - COLUMBIA - ROLLA
(888)636-7551

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

2 JUDGE HOPKINS: This is April the 26th, year
3 2001. It's after 10 a.m. in the morning. We're in
4 Jefferson City, Room 305 of the Governor Office Building,
5 Case No. MC-2000-660, Director of the Division of
6 Manufactured Homes, Recreational Vehicles and Modular Units
7 of the Public Service Commission, Complainant vs. Discount
8 Manufactured Housing, Inc., Respondent.

9 They are represented by an attorney, Daniel
10 Carter of Warrensburg. And Mr. Bates, are you -- are your
11 clients here?

12 MR. BATES: Yes, your Honor.

13 JUDGE HOPKINS: And make your entry of
14 appearance, please.

15 MR. BATES: Good morning, your Honor. My name
16 is Bruce H. Bates. I'm an attorney representing the Staff
17 of the Missouri Public Service Commission. My address is
18 P.O. Box 360, Jefferson City, Missouri 65102-0360.

19 JUDGE HOPKINS: Okay. Mr. Carter is not here
20 even though he was sent an Order appearing to be here. So I
21 am going to reschedule this prehearing conference. We've
22 already got one set on May 2nd. I'm going to be gone to a
23 seminar the next week. Would sometime after May 14, in that
24 region somewhere?

25 MR. BATES: Your Honor, that would be fine. I

ASSOCIATED COURT REPORTERS, INC.
JEFFERSON CITY - COLUMBIA - ROLLA
(888)636-7551

1 believe I have a hearing May 9th through 11th and then
2 picking up again the 14th and 15th, but sometime after that
3 would be fine.

4 JUDGE HOPKINS: We can do it on 17 May 2001.

5 MR. BATES: That would be fine. Thank you,
6 your Honor.

7 JUDGE HOPKINS: I'll get an Order out to that
8 effect today, and I appreciate your being here.

9 We're off the record.

10 (Discussion off the record.)

11 JUDGE HOPKINS: We're back on the record
12 again. It is a few minutes after we had recessed the first
13 part of this hearing, and we find that Mr. Carter has shown
14 up. You're Daniel Carter?

15 MR. CARTER: Yes, sir.

16 JUDGE HOPKINS: And why are you late,
17 Mr. Carter?

18 MR. CARTER: Your Honor, we were in some
19 traffic. There was road construction. We were detained.
20 We arrived here at the building approximately ten o'clock.
21 We left Warrensburg, Missouri at eight o'clock this morning,
22 sir. There was road construction between here and there.

23 JUDGE HOPKINS: Would you make your entry of
24 appearance here, please.

25 MR. CARTER: My name is Dan Carter. I'm a

ASSOCIATED COURT REPORTERS, INC.
JEFFERSON CITY - COLUMBIA - ROLLA
(888)636-7551

1 licensed attorney, Bar No. 31223, appearing for Discount
2 Manufactured Housing, the Respondent in this matter.

3 JUDGE HOPKINS: I don't believe there's any
4 unruled motions here. The main reason for this prehearing
5 conference is to determine whether there are any actual
6 issues in controversy and whether the controversy can be
7 resolved or settled.

8 The prehearing order, which was issued on the
9 9th of February 2001, stated that an early prehearing
10 conference should be scheduled to afford the parties to --
11 I'm sorry -- afford the parties the opportunity to discuss,
12 define and possibly resolve the issues presented in this
13 case or at least to agree on a procedural schedule.

14 Mr. Bates, briefly could you tell me what the
15 Director sees as the main issue here?

16 MR. BATES: Your Honor, to the Director's
17 knowledge, there are a number of issues remaining as far as
18 corrections and alterations to the home in question and some
19 work that still remains to be done by the Respondent on that
20 home.

21 JUDGE HOPKINS: Okay. And Mr. Carter, do you
22 want to give us your idea of what you think the main issues
23 are here, sir?

24 MR. CARTER: The issue, the only unresolved
25 work that we know of and set forth in the petition was a

ASSOCIATED COURT REPORTERS, INC.
JEFFERSON CITY - COLUMBIA - ROLLA
(888)636-7551

1 matter of a portion of a subframe was removed after the home
2 had been placed in the permanent at the request of the
3 owner. A section was removed to accommodate a garage door.
4 To our knowledge, that's the only issue remaining. I don't
5 believe there's any other unresolved work on the part of
6 this respondent anyway.

7 JUDGE HOPKINS: All right, sir. Thank you.
8 We will expect a procedural schedule on 10 May 2001, and
9 this is optional at this time, not mandatory, but we're
10 going to strongly encourage you to submit Suggested Findings
11 of Fact and Conclusions of Law with me along with your
12 Statement of Position, and the Findings of Fact, Conclusions
13 of Law should be submitted in hard copy and electronic copy
14 also.

15 MR. CARTER: Pardon me, sir. How many copies?

16 JUDGE HOPKINS: Hard copy and electronic copy.

17 MR. CARTER: Thank you.

18 JUDGE HOPKINS: And I actually don't expect it
19 to go this far. This case is over a year old, and I would
20 suspect you-all will be able to settle it, but if you do
21 not, I need that procedural schedule by the 5th of May.

22 All right. Thank you-all very much. I'll be
23 around today if you need me. Thank you, Mr. Bates and
24 Mr. Carter. We do start on time here in Jeff City.

25 MR. CARTER: We apologize for that. We left

ASSOCIATED COURT REPORTERS, INC.
JEFFERSON CITY - COLUMBIA - ROLLA
(888)636-7551

1 Warrensburg at 10 a.m. -- actually 8 a.m. There was
2 actually stops in the road where they're laying asphalt, two
3 of them. We had to wait about ten minutes at one, eight or
4 ten at another.

5 JUDGE HOPKINS: Thank you, sir.

6 MR. CARTER: We won't be late again.

7 JUDGE HOPKINS: Thank you, sir. We're off the
8 record.

9 WHEREUPON, the recorded portion of the
10 prehearing conference was concluded.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

ASSOCIATED COURT REPORTERS, INC.
JEFFERSON CITY - COLUMBIA - ROLLA
(888)636-7551