



Commissioners

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February 8, 2000

GORDON L. PERSINGER  
Acting Executive Director  
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WESS A. HENDERSON  
Director, Utility Operations

ROBERT SCHALLENBERG  
Director, Utility Services

DONNA M. KOILIS  
Director, Administration

DALE HARDY ROBERTS  
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE  
General Counsel

Mr. Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102

**RE: Case No. MC-2000-397**

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and fourteen (14) conformed copies of a **MOTION FOR DEFAULT**.

This filing has been mailed or hand-delivered this date to all counsel of record.

Thank you for your attention to this matter.

Sincerely yours,

David J. Stueven  
Assistant General Counsel  
(573) 751-6726  
(573) 751-9285 (Fax)

DS/dkf  
Enclosure  
cc: Counsel of Record

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED<sup>2</sup>

FEB 8 2000

Missouri Public  
Service Commission

Director of the Department of  
Manufactured Homes and Modular Units  
of the Public Service Commission,

Complainant,

v.

Rock Road Trailer Parts and Sales, Inc.,

Respondent.

Case No. MC-2000-397

**MOTION FOR DEFAULT**

**COMES NOW** the Director of the Department of Manufactured Homes and Modular Units of the Public Service Commission ("Director" and "Department"), by and through the Missouri Public Service Commission's ("Commission") Office of General Counsel, and states as follows:

1. On December 29, 1999, the Director filed a complaint against Rock Road Trailer Parts and Sales, Inc. ("Rock Road") in which he alleged that Rock Road sold a home that did not comply with the code. The Commission issued a Notice of Complaint on January 4, 2000.

2. As of February 7, 2000, Rock Road has not responded to the complaint. Pursuant to 4 C.S.R. 240-2.070(9), if a respondent fails to respond to a complaint in a timely fashion (30 days pursuant to 4 C.S.R. 240-2.070(7)) the complainant's averments shall be deemed admitted unless the Commission finds good cause to extend the filing date of the answer.

3. Rock Road's 30 days to respond expired on February 3, 2000. Rock Road has not filed anything to show good cause as to why the time to respond should be extended. Therefore, Rock Road should be deemed to have admitted the averments contained within the complaint.

4. The Director's complaint contained one count and that count contained 32 separate violations of applicable code. Rock Road was directed to correct these code violations in writing on October 31, 1999 by Mr. Silas Winn, the Director's Inspector Supervisor and an authorized representative of the Commission. Section 700.045(5) RSMo (Cum. Supp. 1999) makes it a misdemeanor to "fail to correct a code violation in a manufactured home...within a reasonable time not to exceed ninety days after being ordered to do so in writing by an authorized representative of the commission[.]" As of this date, Rock Road has not corrected the code violations in the home and more than 90 days have past since Rock Road was give a written directive by an authorized representative of the Commission to correct the code violations.

**WHEREFORE**, the Director respectfully requests the following:

- a. That the Commission find that the averments in the complaint are deemed admitted; that Rock Road sold a home that didn't comply with the code; that an authorized representative of the Commission directed Rock Road to correct those deficiencies; and that Rock Road failed to correct those deficiencies within 90 days; and
- b. That the Commission revoke Rock Road's Registration, authorize the General Counsel's Office to seek civil penalties, and issue other findings and orders as are just and reasonable.

Respectfully submitted,

DANA K. JOYCE  
General Counsel



David J. Stueven  
Assistant General Counsel  
Missouri Bar No. 51274

Attorney for the  
Missouri Public Service Commission  
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### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record as shown on the below service list this 8th day of February 2000.



Service List for  
Case No. MC-2000-397  
February 8, 2000

Office of the Public Counsel  
P.O. Box 7800  
Jefferson City, MO 65102

Loyd Biggs  
Rock Road Trailer Parts & Sales  
12725 St. Charles Rock Road  
Bridgeton, MO 63044