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May 18, 2000

BRIAN D. KINKADE  
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Director, Research and Public Affairs

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Director, Utility Operations

ROBERT SCHALLENBERG  
Director, Utility Services

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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. MX-2000-446

FILED<sup>2</sup>  
MAY 18 2000  
Missouri Public  
Service Commission

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and eight (8) conformed copies of a **MOTION FOR FINDING OF NECESSITY FOR RULEMAKING**.

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>

MAY 18 2000

Missouri Public  
Service Commission

In the Matter of a Proposed New Rule )  
4 CSR 240-123.070-Monthly Report )  
Requirement For Registered Modular Unit )  
Dealers )

Case No. MX-2000-446

**MOTION FOR FINDING OF NECESSITY FOR RULEMAKING**

COMES NOW the Director of the Department of Manufactured Homes and Modular Units of the Missouri Public Service Commission ("Director" and "Department"), by and through the Missouri Public Service Commission's Office of General Counsel, and for his Motion For Finding of Necessity For Rulemaking ("Motion") states as follows:

1. Attached, as Appendix A, is the Director's Recommendation to the Commission on the proposed rulemaking. The purpose of this rulemaking is to outline the monthly sales report requirement information that registered modular unit dealers would be required to file with the Commission and the form and manner of this filing. This rule is necessary for the purpose of administering the proposed inspection fee per home sold. There is no fiscal impact on the State or on any private or public person or entity that would be affected by this proposed rulemaking.
2. The Director proposes this new rule to establish the monthly sales report requirement information that registered modular unit dealers would be required to file with the Commission and the form and manner of this filing. This rulemaking is also necessary to implement the proposed inspection fee assessment per home sold. To impose this fee on each home sold, modular unit dealers must be required to submit monthly sales reports. § 700.040

2

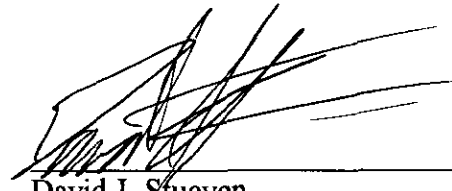
RSMo Supp 1999 authorizes the Commission to promulgate rules and regulations as necessary to carry out the purposes of Chapter 700 RSMo.

3. This rule would have a fiscal impact of less than \$500 to the state and to any private or public person or entity affected

**WHEREFORE**, the Director respectfully requests that the Commission, based upon reasonably available empirical data including an assessment of the effectiveness and costs both to the state and to any private or public person or entity affected, find that the proposed rulemaking, 4 CSR 240-123.070, Monthly Report Requirement for Registered Modular Unit Dealers is necessary for the purposes of § 700.040 RSMo Supp1999.

Respectfully submitted,

DANA K. JOYCE  
General Counsel



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

Attorney for the Director of the Division of  
Manufactured Homes and Modular Units of  
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 attached service list this 18th day of May, 2000.

  
A handwritten signature in black ink, consisting of several overlapping, stylized strokes, is written over a horizontal line.

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

## MEMORANDUM

TO: Missouri Public Service Commission Official Case File  
Case No. MX-2000-446 Proposed New Rule 4 CSR 240-123.070 Monthly Report  
Requirement for Registered Modular Unit Dealers

FROM: Steve Jungmeyer, Department of Manufactured Housing and Modular Units

*Wes Anderson* 4-11-00  
Utility Operations Division / Date

*[Signature]* 5/17/00  
General Counsel's Office / Date

SUBJECT: Staff Recommendation

DATE: April 11, 2000

4 CRS 240-123.070 - Monthly Report Requirement for Registered Modular Unit Dealers would be a new rule in Chapter 123-Modular Units. This rulemaking is designed to outline the monthly sales report requirement information that registered modular unit dealers would be required to file with the Commission and the form and manner of this filing. This would be consistent with similar rules in Chapter 120-New Manufactured Homes and Chapter 121-Pre-owned Manufactured Homes. It is the Manufactured Housing Department's opinion that modular unit dealers should be required to submit monthly sales reports as manufactured home dealers. The intent of this rulemaking is to require reports that would supply necessary data for the Department to carry out the regulatory requirements of Chapter 700 RSMo. The information that would be sought would include specific details, such as serial numbers, date manufactured, and the name of the manufacturer for each modular unit sold within the state.

The Commission is authorized under 700.040 to promulgate rules and regulations as necessary to carry out the purposes of Chapter 700 RSMo. This will allow the Department to monitor modular units sales to ensure that all units sold meet statutory and regulatory requirements such as plan approval, registration by manufacturers, and code compliance.

This rule is also necessary for the purpose of administering the proposed inspection fee assessment per home sold. To impose this fee on each home sold, modular unit dealers must be required to submit monthly sales reports.

There is no fiscal impact on the State or on any private or public person or entity resulting from this proposed rulemaking.

Staff recommends that the Commission find that a rulemaking to propose 4 CRS 240-123.070 is necessary.

Copies: Director – Utility Operations Division  
Director – Utility Services Division  
Director – Research and Public Affairs Division  
General Counsel  
Office of Public Counsel

APPENDIX A