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October 27, 2000

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General Counsel

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

FILED²
OCT 27 2000
Missouri Public
Service Commission

RE: Case No. MX-2000-430-lead case; MX-2000-431, MX-2000-433, MX-2000-445

Dear Mr. Roberts:

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

Bruce H. Bates
Associate General Counsel
(573) 751-7434
(573) 751-9285 (Fax)

BHB:sw
Enclosure
cc: Counsel of Record

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED²
OCT 27 2000
Missouri Public
Service Commission

In the Matter of a Proposed Amendment)
to Rule 4 CSR 240-121.050 - Inspection)
of Pre-Owned Manufactured Homes,)
Rented, Leased or Sold or Offered for)
Rent, Lease or Sale by Persons Other)
Than Dealers.)

Case No. MX-2000-430

In the Matter of a Proposed Amendment)
to Rule 4 CSR 240-121.060 – Complaints)
and Review of Director Action.)

Case No. MX-2000-431

In the Matter of a Proposed Amendment)
to Rule 4 CSR 240-121.010 – Definitions.)

Case No. MX-2000-433

In the Matter of a Proposed Amendment)
Rule 4 CSR 240-121.040 – Inspection of)
Dealer Books, Records, Inventory and)
Premises.)

Case No. MX-2000-445

MOTION FOR FINDING OF NECESSITY OF RULEMAKING

COMES NOW the Director of the Manufactured Housing and Modular Units Program of the Missouri Public Service Commission (“Director” and “Program”), by and through the Missouri Public Service Commission’s (“Commission”) Office of General Counsel, and for his *Motion for Finding of Necessity of Rulemaking* (“Motion”) states as follows:

1. Attached, as Attachment A is the Director’s recommendation to the Commission on the proposed rulemaking. Included in the recommendation is an analysis of the fiscal impact and effectiveness of the rule, both to the State as well as to any private or public person or entity affected by this rulemaking.

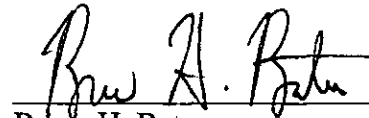
2. The Director proposes to amend Rules 4 CSR 240-121.050, 4 CSR 240-121.060, and 4 CSR 240-121.040 to replace the term "mobile home" with "manufactured home." In addition, the Director proposes to amend Rule 4 CSR 240-121.010 to reflect the removal of any reference to recreational vehicles.

3. This rulemaking is necessary to provide uniformity among the rules pertaining to manufactured housing and updates this rule with current industry terminology, and because the Commission no longer regulates recreational vehicles subsequent to the passage into law of Senate Bill 359 last year.

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 amendments to 4 CSR 240-121.050, 4 CSR 240-121.060, 4 CSR 240-121.010, and 4 CSR 240-121.040 are necessary to update and make uniform the rules pertaining to manufactured housing and for such other reasons as stated herein.

Respectfully submitted,

DANA K. JOYCE
General Counsel

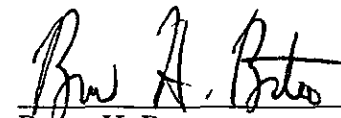


Bruce H. Bates
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Missouri Bar No. 35442

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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 27th day of October 2000.



Bruce H. Bates

MEMORANDUM

TO: Missouri Public Service Commission Official Case File
Case Nos. MX-2000-430, MX-2000-431, MX-2000-433, and MX-2000-445
Proposed Amendments to Rule 4 CSR 240-121.050, 4 CSR 240-121.060, 4 CSR
240-121.010, and 4 CSR 240-121.040

FROM: Steve Jungmeyer, Manufactured Housing and Modular Units Program

Wes Headlee 10-26-00
Utility Operations Division / Date

[Signature] 10-26-00
General Counsel's Office / Date

SUBJECT: Staff Recommendation

DATE: October 23, 2000

4 CSR 240-121.050 – Inspection of Pre-Owned Manufactured Homes, Rented, Leased or Sold or Offered for Rent, Lease or Sale by Persons Other Than Dealers; 4 CSR 240-121.060 – Complaints and Review of Director Action; and 4 CSR 240-121.040 – Inspection of Dealer Books, Records, Inventory and Premises; are being amended to reflect the replacement of the term “mobile home” with “manufactured home”.

The industry is referred to now as the manufactured housing industry producing manufactured homes, not mobile homes. This amendment removes all references to mobile homes. There is no fiscal impact resulting from this proposed rule amendment.

4 CSR 240-121.010 - Definitions is being amended to reflect the removal of any reference to recreational vehicles. The Public Service Commission no longer regulates recreational vehicles so the Department's name has changed to Manufactured Housing and Modular Units Program. The amendment to 4 CSR 240-121.010 reflects that change. Pursuant to the passage of SB 359 last year, recreational vehicle regulation was removed from Public Service Commission jurisdiction. A fiscal impact representing a loss of revenue of approximately \$260,000 resulted from this legislation. The Department is currently developing a new fee structure to compensate for the revenue loss.

Staff recommends that the Commission find that a rule making to amend 4 CSR 240-121.050, 4 CSR 240-121.060, 4 CSR 240-121.040, and 4 CSR 240-121.010 is necessary.

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

DH
10-26-00A10:07 RCVD

Attachment A

Service List for

Case No. MX-2000-430-lead case; MX-2000-431,
MX-2000-433, MX-2000-445

October 27, 2000

Office of the Public Counsel

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