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May 18, 2000

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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-2000-444**

**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 Amendment )  
to Rule 4 CSR 240-124.040-Commission )  
Approval of Manufactured Home Tie )  
Down Systems )

Case No. MX-2000-444

**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 include proposed rules describing the manner in which an approval of manufactured home tie down systems may be obtained. There is no fiscal impact on the State or on any private or public person or entity that would be affected by this proposed amendment.


2. The Director proposes this new rule to implement the manner in which an approval of manufactured home tie down systems may be obtained. §700.065 RSMo 1994 requires all manufactured homes located within the state to be anchored and tied down in accordance with the standards promulgated by the Commission. The Commission, under the provisions of §700.040 RSMo Supp. 1999, "may issue and promulgate such rules and regulations as necessary to make effective the code and provisions of sections 700.010 to 700.115."

3. This rulemaking is necessary to implement the manner in which an approval of manufactured home tie down systems may be obtained.

**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 240-124.040, Commission Approval of Manufactured Home Tie Down Systems, is necessary for the purposes of § 700.065 RSMo 1994.

Respectfully submitted,

DANA K. JOYCE  
General Counsel

A handwritten signature in black ink, appearing to read 'David J. Stueven', is written over a horizontal line.

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  
P.O. Box 360  
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(573) 751-9285 (Fax)

## 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, appearing to be "M. J. [unclear]", 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-2000-444 Proposed Amendment to Rule 4 CSR 240-124.040  
Commission Approval of Manufactured Home Tie Down Systems

FROM: Steve Jungmeyer, <sup>ST</sup>Department of Manufactured Housing and Modular Units  
*Wen Headline* 4-11-00 *[Signature]* 5/17/00 4-11-2000  
Utility Operations Division / Date General Counsel's Office / Date

SUBJECT: Staff Recommendation

DATE: April 11, 2000

4 CRS 240-124.040 – Commission Approval of Manufactured Home Tie Down Systems is being amended to include proposed rules describing the manner in which an approval of manufactured home tie down systems may be obtained.

The proposed rule will include anchor testing criteria and certification relating to performance and the submittal of detailed drawings and specifications for tie down systems.

As a result of Case No. MW-97-273, an order from the Commission dated July 6, 1999, directed Staff to file a proposed rule in substantial compliance with a report developed by an anchor working group. In that order, the Commission determined that a minority report created by a working group, which consisted of participants from various interest groups including the industry, regulatory agencies, and consumers, be adopted for the establishment of a standardized anchoring procedure. These standardized anchoring procedures were developed in order to give the industry the option of using the procedure when a manufactured home is sited on unclassified soils.

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

Staff recommends that the Commission find that a rulemaking to propose 4 CRS 240-124.040 is necessary.

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