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July 25, 2000

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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-2000-448


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 FO 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

FILED<sup>2</sup>

JUL 25 2000

Missouri Public  
Service Commission

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED<sup>2</sup>  
JUL 25 2000

Missouri Public  
Service Commission

In the Matter of a Proposed New Rule       )  
4 CSR 240-121.090-Proper Initial Set Up    )  
of Pre-Owned Manufactured Homes         )

Case No. MX-2000-448

**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 Director proposes this new rule to specify the set up requirements for the installation of pre-owned manufactured homes.
2. 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.
3. § 700.100 RSMo Supp 1999 requires that a dealer arrange for the proper initial set up of any new or used manufactured home or modular unit sold from or in the state of Missouri. In addition, § 700.040(5) RSMo Supp 1999 establishes that the Commission may issue and promulgate such rules as necessary to make effective the provisions of sections 700.010 to 700.115 (RSMo).

**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 240-121.090, Proper Initial Set Up of Pre-Owned Manufactured Homes is necessary for the purposes of § 700.100 and § 700.040(5) RSMo Supp1999.

Respectfully submitted,

DANA K. JOYCE  
General Counsel

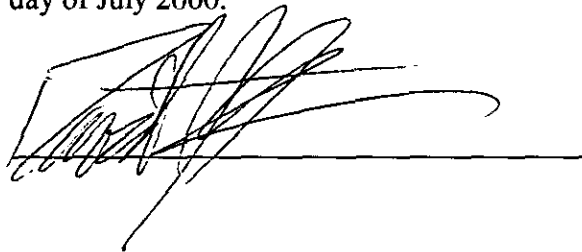


David J. Stueven  
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Missouri Bar No. 51274

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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 25<sup>th</sup> day of July 2000.



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

## MEMORANDUM

TO: Missouri Public Service Commission Official Case File  
Case No. MX-2000-448 Proposed Amendment to Rule 4 CSR 240-121.090  
Proper Initial Set up of Pre-Owned Manufactured Homes

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

*Wes Henderson* 7-25-00  
Utility Operations Division / Date

*[Signature]* 7-25-00  
General Counsel's Office / Date

SUBJECT: Staff Recommendation

DATE: July 21, 2000

4 CRS 240-121.090 – Proper Initial Set up of Pre-Owned Manufactured Homes is a new rule being proposed to list the set up requirements for the installation of pre-owned manufactured homes.

This rule is needed to clarify authorized enforcement requirements that pre-owned manufactured homes are to be set up according to the manufacturers set up and installation manual if available. If the manufacturers manual is not available, the home shall be set up according to the 1994 American National Standard Institute manufactured home installation manual, (ANSI A225.1-1994). The Commission is currently authorized to enforce these requirements pursuant to Section 700.010 and 700.100 RSMo.

The new rule is necessary to assist the Manufactured Housing Department in making determinations about the proper set up of pre-owned manufactured homes.

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 240-121.090 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

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*DH*  
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