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May 18, 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

RE: Case No. ~~MC~~^X-2000-443

FILED²

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

FILED²
MAY 18 2000

Missouri Public
Service Commission

In the Matter of a Proposed Amendment)
to Rule 4 CSR 240-123.080-Code For)
Modular Units)

Case No. MX-2000-443

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 amend or update the Public Service Commission's adopted codes for the manufacturing of modular units that are rented, leased or sold or offered for rent, lease or sale in this state. 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 or rulemaking.

2. The Director proposes this new rule to amend or update the Public Service Commission's adopted codes for the manufacturing of modular units that are rented, leased or sold or offered for rent, lease or sale in this state. Section 700.040 RSMo Supp 1999 authorizes the Commission to "promulgate such rules and regulations as necessary to make effective the code and provisions of sections 700.010 to 700.115." Section 700.015(2) RSMo Supp 1999, provides that "no person shall manufacture in this state any . . . modular unit for rent, sale or lease within the state that does not bear a seal evidencing compliance with the code." Section

2

700.015(4) provides that "no person shall offer for rent, lease, sale a modular unit . . . unless such modular unit complies with the code." ("Code" being defined in section 700.010 RSMo Supp. 1999 as standards relating to modular units as adopted by the Commission.)

3. This rulemaking is necessary to amend or update the Public Service Commission's adopted codes for the manufacturing of modular units that are rented, leased or sold or offered for rent, lease or sale in this state.

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 240-123.080-Proposed Amendment to Rule to 4 CSR 240-123.080 Code for Modular Units, is necessary for the purposes of §§ 700.040 and 700.0115 RSMo Supp 1999.

Respectfully submitted,

DANA K. JOYCE
General Counsel



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, appearing to be "W. H. H.", 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-2000-443 Proposed Amendment to Rule 4 CSR 240-123.080 Code
for Modular Units

FROM: ^{SO} Steve Jungmeyer, Department of Manufactured Housing and Modular Units

Wes Henderson 4-11-00
Utility Operations Division / Date

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

CS-17-2000

SUBJECT: Staff Recommendation

DATE: April 11, 2000

4 CRS 240-123.080 – Code for Modular Units is being amended to update the Public Service Commission's adopted codes for the manufacturing of modular units that are rented, leased or sold or offered for rent, lease or sale in this State. This proposal updates the current adopted codes to the most current editions available, and is deemed necessary to bring State code regulations in line with the modular unit industry. The current codes are over ten years old.

Additional changes to 4 CRS 240-123.080 include listing requirements for plan approvals to include information concerning Seismic Zones; requiring that a data plate be affixed to all modular units rented, leased or sold in Missouri which shall contain required information about that particular unit; and requiring that all modular units shall be set up or installed according to the manufacturer's installation manual.

The new rules are necessary to assist the Manufactured Housing Department in making determinations about modular units compliance to State regulations.

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.

Staff recommends that the Commission find that a rulemaking to propose 4 CRS 240-123.080 is necessary.

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