



Missouri Public Service Commission

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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

FILED³

JUL 25 2000

Missouri Public
Service Commission

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-2000-442

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

JUL 25 2000

Missouri Public
Service Commission

In the Matter of a Proposed Amendment)
to Rule 4 CSR 240-123.040 - Approval of)
Manufacturing Programs)

Case No. MX-2000-442

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 attachment A is the Director's Recommendation to the Commission on the proposed rulemaking. The purpose of the proposed rulemaking is to clarify the requirements for identifying model names and system change proposals as well as replacing references to the "mobile homes division" with "Department of Manufactured Housing and Modular Units."
2. The proposed rulemaking also increases the fee charged for plan approvals from \$50 to \$75 and will have a fiscal impact on modular unit manufacturers in the amount of \$20,250, using figures from fiscal year 2000.
3. The Commission has authority under Section 700.040.2, RSMo to collect fees for plan approvals. Section 700.040.4, RSMo authorizes the Commission to promulgate rules to make effective the provisions of Sections 700.010 to 700.115, RSMo. Clarifying the

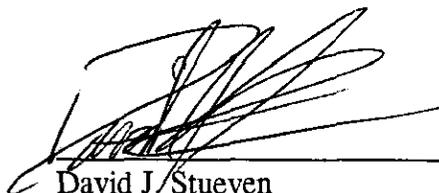
requirements for plan approval makes effective Section 700.015, RSMo, requiring that all modular units be built to the applicable code.

4. The reference to the "mobile home department" is being updated to the current name of the department. Further, "mobile home" is no longer an accepted industry term.

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, Rule 4 CSR 240-123.040 - Approval of Manufacturing Programs, is necessary to carry out the purposes of Sections 700.040.2, 700.040.4, and 700.015.

Respectfully submitted,

DANA K. JOYCE
General Counsel



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

Attorney for the Staff 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 below service list this 25th day of July 2000.

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke, positioned above a solid horizontal line.

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

MEMORANDUM

TO: Missouri Public Service Commission Official Case File
Case No. MX-2000-442 Proposed Amendment to Rule 4 CSR 240-123.040
Approval of Manufacturing Programs

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

Wes Headlee 7-24-00
Utility Operations Division / Date

[Signature] ^{P/B 7-24-00}
General Counsel's Office / Date 7/25/00

SUBJECT: Staff Recommendation

DATE: July 21, 2000

4 CRS 240-123.040 – Approval of Manufacturing Programs is being amended to update the name of the Department by removing reference to “mobile homes division” and replacing it with Department of Manufactured Housing and Modular Units.

Additional proposals to 4 CRS 240-123.040 include a new rule pertaining to plan approval requirements which identify model names and system change proposals, and a proposed amendment to increase the fee from fifty dollars to seventy five dollars for each plan approval request received from a modular unit manufacturer. The plan approval requirement rule clarifies that any systems change (electric, plumbing, or gas) in an existing model must obtain a new approval. The proposed fee increase is necessary in order to help recover lost revenue from recreational vehicle de-regulation.

Based on using figures from fiscal year 2000, the increase in plan approval fees as mentioned above will increase plan approval revenue by approximately \$20250. This increase is part of the Department’s overall fee structure plan and is necessary in order to make up for the loss of recreational vehicle regulation revenue.

Staff recommends that the Commission find that a rulemaking to propose 4 CRS 240-123.040 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