

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

Director of the Manufactured Housing and
Modular Units Program of the Missouri
Public Service Commission,

Complainant,

v.

Amega Sales, Inc., d/b/a
Quality Preowned Homes,
Columbia Discount Homes,
Mark Twain Mobile Home Sales,
Chateau Homes, and
Amega Sales, Inc.,

Respondent.

Case No. MC-2008-0071

**ORDER WAIVING APPLICATION OF COMMISSION RULE 4 CSR 240-
2.085 AND DENYING MOTION FOR PROTECTIVE ORDER**

Issue Date: July 11, 2008

Effective Date: July 11, 2008

On July 11, 2008, the Commission's Staff filed a motion asking the Commission to issue a protective order to establish the means by which highly confidential information regarding the sale of Amega Sales, Inc., can be protected from inappropriate disclosure.

Commission Rule 4 CSR 240-2.135, concerning the handling of confidential information, went into effect on January 30, 2007, eliminating the need for the standard protective order the Commission had previously routinely issued. Specifically, 4 CSR 240-2.135(2)(A) provides "no order from the commission is necessary before a party in any case pending before the commission may designate material as proprietary or highly

confidential and such information shall be protected as provided in this rule.” Thus, Staff or Amega Sales may simply file the information in EFIS as highly confidential and it will be protected from disclosure.

Staff is no doubt aware of this new rule, but may be concerned about an older rule, 4 CSR 240-2.085(2), that states, “pleadings, testimony, or briefs shall not contain highly confidential or proprietary information unless a protective order has been issued by the commission.”

The requirements of Commission Rule 4 CSR 240-2.085 are inconsistent with the requirements of Commission Rule 4 CSR 240-2.135 in that the older rule purports to require a party to file a pleading that is rendered unnecessary by the explicit language of the newer rule. Ultimately, the Commission will resolve this conflict by revising Commission Rule 4 CSR 240-2.085; but until that is accomplished, the Commission will waive application of that rule for this case. With that rule having been waived, Staff’s motion for protective order is unnecessary and will be denied.

IT IS ORDERED THAT:

1. No party to this case shall be required to comply with the provisions of Commission Rule 4 CSR 240-2.085.
2. Staff’s Motion for Protective Order is denied.

3. This order shall become effective on July 11, 2008.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Morris L. Woodruff, Deputy Chief Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 11th day of July, 2008.