

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

In the Matter of a Proposed Rulemaking to)	
Revise Manufactured Housing Rules Regarding)	<u>File No. MX-2013-0432</u>
Installation and Monthly Reporting Requirements)	

REPORT OF FISCAL IMPACT

COMES NOW the Staff of the Missouri Public Service Commission, pursuant to § 536.200.2 RSMo 2000, and states as follows:

1. On December 4, 2013, the Commission amended several rules in Chapters 120 and 123 concerning the set-up of manufactured homes, reporting requirements and other matters. In each instance, at the time of the amendment proposal and adoption, the Commission estimated none of those rules would have a public entity cost or private entity cost exceeding \$500 in the aggregate.

2. Pursuant to the requirements in § 536.200.2 RSMo 2000, the Commission Staff has reviewed the actual costs incurred by regulated entities in complying with the rule as amended. That review indicates that the initial fiscal impact projections were correct. Therefore, no additional Commission action concerning the amendment is required.

3. Attached is the Staff's affidavit concerning its review of the fiscal impact of the amendment.

WHEREFORE, the Staff respectfully submits this Report and suggests that, as no further action in this matter is required, this matter may be closed.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 7th day of July, 2015.



MEMORANDUM

TO: Case File for Case No. MX-2013-0432

FROM: Justin Smith, on Behalf of the Commission Staff

SUBJECT: Rules 4 CSR 240-120.065, 4 CSR 240-120.085, 4 CSR 240-120.130, 4 CSR 240-123.065, 4 CSR 240-123.070, 4 CSR 240-123.095, 4 CSR 240-125.010, 4 CSR 240-125.040, and 4 CSR 240-125.070 – Accuracy of Cost Estimates for Rule Implementation – Compliance with the Requirements of GP-1 of the Commission's General Procedures

DATE: July 7, 2015

The Commission Staff has investigated the cost to public entities for implementing the rules adopted by the Commission through this case, and reports that it has not discovered any information that would show that the cost estimate published in the *Missouri Register* was inaccurate in connection with the implementation of 4 CSR 240-120.065 Manufactured Home Dealer Setup Responsibilities¹, 4 CSR 240-120.085 Re-Inspection Fee², 4 CSR 240-120.130 Monthly Report Requirement for Registered Manufactured Home Dealers², 4 CSR 240-123.065 Modular Unit Dealer/Selling Agent Setup Responsibilities³, 4 CSR 240-123.070 Monthly Report Requirement for Registered Modular Unit Dealers⁴, 4 CSR 240-123.095 Re-Inspection Fee⁴, 4 CSR 240-125.010 Definitions⁵, 4 CSR 240-125.040 Manufactured Home Installer License⁵, and 4 CSR 240-125.070 Installation Decals⁶.

Additionally, the Staff reports that it has not received any information from any party potentially or actually affected by the implementation of the subject rules that would show that the cost estimate published in the *Missouri Register* was inaccurate.

The Commission's General Procedure GP-1 (GP-1) requires, among other things, that within 30 days before the end of the first full fiscal year after the implementation of a rule, amendment or rescission, that the Staff is to investigate whether the cost to all affected entities, including the Commission, has exceeded by ten percent or more, the estimated cost in the fiscal note, or, where appropriate, has exceeded five hundred dollars.

¹ 38 Mo. Reg. 1480. *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

² 38 Mo. Reg. 1481. *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

³ 38 Mo. Reg. 1482. *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

⁴ 38 Mo. Reg. 1483. *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

⁵ 38 Mo. Reg. 1484. *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

⁶ 38 Mo. Reg. 1485. *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

GP-1 also requires the Staff to prepare a memorandum showing the results of its investigation within thirty (30) days after the end of the first full fiscal year of the implementation of the subject rule, amendment or rescission. If the Staff investigation shows that the costs have not exceeded ten percent for all entities or, where appropriate, the estimated five hundred dollars, Staff's Memorandum shall be entered into EFIS under the rulemaking's docket number.

The Staff's response regarding the accuracy of the published cost estimates is within the time frame specified by Section 536.200.2, RSMo. This statute requires publication in the *Missouri Register* of a report of any excess cost over estimated cost, or cost over five hundred dollars, where appropriate, within 90 days after the close of the "first full fiscal year" after the implementation of the subject rule, amendment or rescission. The rules that were the subject of this case were effective on March 30, 2014. The first full fiscal year after implementation of the rules thus ended on June 30, 2015. Accordingly, September 29, 2015, would represent the 90-day expiration period for the publication of a report regarding excess cost information in the *Missouri Register*. Since the Staff's investigation indicates that the published cost estimates for public entities related to the rules have not been exceeded, no *Missouri Register* publication is required under Section 536.200.2, RSMo.

Diana L. Vaughn
Notary Public