

**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.)	Case No. MC-2009-0020
)	
Brookside Homes, Inc.,)	
)	
Respondent.)	

JOINT MOTION TO CONTINUE HEARING

COME NOW, the Director and Brookside Homes, and jointly move the Commission to continue the hearing of this case currently set for February 10 and 11, 2009. In support of this motion, the parties state:

1. The current Complaint in this case alleges that Brookside failed to arrange for the proper initial setup and failed to timely correct deficiencies in three manufactured homes.
2. The Director has also filed two other Complaints against Brookside in Case Nos. MC-2009-0127 and MC-2009-0259 alleging that Brookside sold homes without a registration and seeking to deny Brookside's renewal application.
3. In attempting to resolve the issues between the Director and Brookside, the parties have determined that a larger issue presents itself, the answer to which will have application to every manufactured home dealer in the State of Missouri: What is the scope of a dealer's responsibility to arrange for proper initial setup of a manufactured home? This issue presents itself in the dispute between the Director and Brookside and the parties agree that the issue should be determined by the Commission.

4. The current statutory scheme in Chapter 700 provides that dealers must “arrange for the proper initial setup” of a manufactured home. The dealer must use only installers licensed by the Commission to install a new manufactured home. The Director’s position is that the dealer remains responsible for all installation issues when the installer incorrectly or incompletely installs a home. Brookside’s position is that once a licensed installer is retained, the dealer has discharged its statutory obligation to arrange for proper initial setup.

5. The parties have agreed to present this issue for Commission decision by the Director filing an amended complaint that will frame the issue. With that in mind, the parties move the Commission to continue the hearing of this case for 60 days so that an amended complaint may be filed by the Director and an answer filed by Brookside. The parties anticipate requesting a hearing in April.

6. This request is not filed to hinder or delay the Commission in the discharge of its duty. Rather, it is intended to facilitate a fair result for the parties, promote judicial economy, and lead to a resolution of all pending complaints against Brookside. Had the parties not agreed to this process, the Director would have had to file additional complaints against Brookside in order to resolve what has become the ultimate issue between the parties.

Wherefore, the parties jointly move the Commission to continue the hearing of this matter for 60 days so an amended complaint and answer can be filed.

Respectfully submitted,

/s/ Steven C. Reed

Steven C. Reed

Missouri Bar No. 40616

Attorneys for the Director of the
Manufactured Housing and Modular Units

Program of the Missouri Public Service
Commission
PO Box 360
Jefferson City, MO 65102
(573) 751-3015 (Telephone)
(573) 751-9285 (Fax)

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was sent via electronic mail to attorney Robert Bilbrey, and Office of Public Counsel this 6th day of February, 2009.

/s/ Steven C. Reed