

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

In the Matter of A Proposed)
Amendment To Establish New)
Construction Codes For Modular Units)

Case File No. MX-2011-0063

STAFF FISCAL NOTE REVIEW MEMORANDUM

COMES NOW the Director of the Manufactured Housing and Modular Homes Program of the Missouri Public Service Commission ("Director"), by and through Staff Counsel, pursuant to Section 536.200.2 RSMo 2000, and states:

1. In the Memorandum attached as Appendix A, the Director advises the Commission that he has conducted a review of the fiscal estimate due to the rule amended in this rulemaking case, and has determined that no fiscal estimate change need be filed with the Secretary of State.

2. The rule amended in this case updated the building codes for modular unit structures from the outdated 2006 codes to the 2009 codes and was effective on April 30, 2011.

3. Section 536.200.2 RSMo 2000 requires agencies to make a filing with the Secretary of State if, after the first full year after implementation, the cost of the rule exceeds the agency estimate. The first full fiscal year after the rule became effective was the fiscal year beginning July 1, 2011 and ending June 30, 2012.

WHEREFORE, the Director files the attached Memorandum wherein the Director states its conclusion that no fiscal estimate change needs to be filed with the Secretary of State for Rule 4 CSR-240-123.080.

Respectfully submitted,

/s/ Robert S. Berlin_____

Robert S. Berlin
Senior Counsel
Missouri Bar No. 51709

Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 526-7779 (Telephone)
(573) 751-9285 (Fax)
bob.berlin@psc.mo.gov (e-mail)

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 31st day of July 2012.

/s/ Robert S. Berlin_____

MEMORANDUM

TO: Case File for Case No. MX-2011-0063

FROM: Ron Pleus, Director of the Manufactured Housing & Modular Units Program on behalf of the Commission Staff

SUBJECT: Rule 4 CSR 240-123.080, Accuracy of Cost Estimates for Rule Implementation – Compliance with the Requirements of GP-1 of the Commission's General Procedures

DATE: July 31, 2012

The Commission Staff has investigated the cost of implementing the amended rule 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 the updated 2009 building codes for modular unit structures in case number MX-2011-0063.

Additionally, the Staff reports that it has not received any information from any party potentially or actually affected by the implementation of the subject rule 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.

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 2000. 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 change in the rule that was the subject of this case was effective on April 30, 2011. The first full fiscal year after implementation of the rules thus ended on June 30, 2012. Accordingly, September 28, 2012 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 related to the changes in the rule have not been exceeded, no *Missouri Register* publication is required under Section 536.200.2, RSMo 2000.

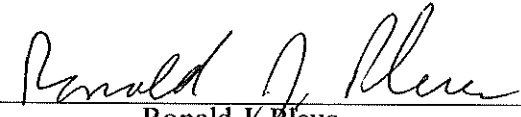
**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of A Proposed Amendment)	
To Establish new Construction Codes)	Case No. MX-2011-0063
for Modular Units)	

AFFIDAVIT OF RONALD J. PLEUS

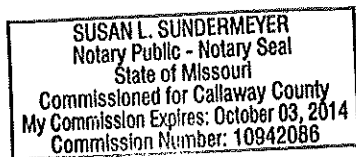
STATE OF MISSOURI)
) ss
COUNTY OF COLE)

Ronald J. Pleus, employee of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that he has participated in preparing the accompanying Staff Memorandum, and that the facts therein are true and correct to the best of his knowledge and belief.



Ronald J. Pleus

Subscribed and sworn to before me this 31st day of July, 2012.





Notary Public