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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

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|--|---|--------------------------|
| Director of the Division of Manufactured |) | |
| Homes, Recreational Vehicles and Modular |) | |
| Units of the Public Service Commission, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| vs. |) | <u>CASE NO. MC-95-35</u> |
| |) | |
| AA Mobile Home Sales, Inc. |) | |
| |) | |
| Respondent. |) | |

ORDER CONCERNING OBJECTIONS

On February 27, 1995, an evidentiary hearing was held on the complaint in this case. During the course of the hearing, the Staff of the Commission (Staff) offered into evidence pages from a mobile home set-up manual as a correction to the Surrebuttal Testimony of James Phillips. The pages were marked as Exhibit 2A. Oral objections to Exhibit 2A were made by AA Mobile Home Sales, Inc. (AA Homes).

Also during the course of the hearing, AA Homes offered into evidence invoices purporting to show receipts of payments to AA Homes from the manufacturer of the mobile home in question for warranty repair work. The documents were marked as Exhibit 7. Oral objections to Exhibit 7 were made by Staff.

On February 28, 1995, the Commission issued a notice directing that written objections to Exhibits 2A and 7 be filed on or before March 10, 1995. The notice also directed that responses to such objections be filed on or before March 20, 1995.

On March 10, 1995, Staff and the Office of the Public Counsel (Public Counsel) filed objections to Exhibit 7 and on March 13, 1995, AA Homes filed

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objections to Exhibit 2A. AA Homes objects to Exhibit 2A as being supplemental and beyond the scope of surrebuttal testimony. Staff and Public Counsel objects to Exhibit 7 as not properly authenticated, as not comporting with the best evidence rule, and as hearsay. Staff also states that it was deprived of its opportunity to conduct meaningful cross-examination and to offer a rebuttal witness. On March 20, 1995, Staff and Public Counsel filed responses to AA Homes' objections to Exhibit 2A. On March 24, 1995, AA Homes filed a response to the objections of Staff and Public Counsel to Exhibit 7.

Upon due consideration of the objections and the responses, the Commission determines that the objections to Exhibits 2A and 7 should be overruled. Thus, the Commission determines that Exhibits 2A and 7 should be received into the record of this case.

IT IS THEREFORE ORDERED:

1. That the objections to Exhibits 2A and 7 in this case are hereby overruled.
2. That Exhibits 2A and 7 are hereby received into the record of this case.
3. That this Order shall become effective on the date hereof.

BY THE COMMISSION

(S E A L)



David L. Rauch
Executive Secretary

Mark A. Grothoff, Hearing Examiner,
by delegation of authority under Commission
Directive of January 3, 1995, pursuant to
Section 386.240, RSMo 1986.

Dated at Jefferson City, Missouri,
on this 28th day of March, 1995.