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STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

At a session of the Public Service  
Commission held at its office  
in Jefferson City on the 1st  
day of June, 2000.

In the Matter of a Proposed New Rule 4 CSR        )  
240-123.070 -- Monthly Report Requirement for    ) Case No. MX-2000-446  
Registered Modular Unit Dealers.                    )

**ORDER FINDING NECESSITY FOR RULEMAKING**

On January 18, 2000, the Staff of the Missouri Public Service Commission (Staff) filed a motion opening a case to consider the necessity and adoption of a rule to implement a reporting requirement for modular unit dealers. On May 18, 2000, the Staff filed its Motion for Finding of Necessity for Rulemaking with a memorandum attached in support of its motion.

Staff proposes a new rule, 4 CSR 240-123.070, be promulgated that would outline monthly sales report requirements and required report filing for registered modular unit dealers. The Commission's Department of Manufactured Housing and Modular Units states that the proposed monthly reports would supply necessary data for the Department to carry out the regulatory requirements of Chapter 700, RSMo, and allow the Department to ensure that all units sold meet statutory and regulatory requirements, such as plan approval, registration by manufacturers, and code compliance. The reports would also facilitate the administration of proposed inspection fees and assessments per home sold. The information requested would

include specific details, such as serial numbers, date manufactured, and the name of the manufacturer for each modular unit sold within the state.

The Staff states that the Commission is authorized under Section 700.040, RSMo Supp. 1999, to promulgate rules and regulations as necessary to carry out the purposes of Chapter 700, RSMo. The Staff states that the proposed rule is necessary for purposes of Chapter 700, RSMo. The Staff states that there is no fiscal impact on the state or on any private or public person or entity resulting from this proposed rulemaking.

Section 700.040, RSMo Supp. 1999, authorizes the Commission to issue and promulgate rules and regulations as necessary to make effective the code and the provisions of Chapter 700, RSMo. The law provides for a comprehensive inspection program that is self-funding by fees for seals and inspections.

The Staff memorandum demonstrates that the proposed rule is necessary to carry out the purpose of Section 700.040, RSMo Supp. 1999, and is based upon reasonably available empirical data. The Staff demonstrates the effectiveness and cost of the proposed rule to the state and to private or public persons or entities that will be affected by the rule. Specifically, the Staff demonstrates that reporting requirement will supply data necessary to facilitate the duties of the Department and the assessment of fees for inspections and assessments to provide the revenues required to fund the program. The Staff states the proposed new rule itself does not have a fiscal impact on the state or on any private or public person or entity.

Pursuant to Section 536.016, RSMo Supp. 1999, a state agency is required to find, based upon substantial evidence on the record, that a proposed rule is necessary to carry out the purposes of the statute that granted the rulemaking authority. Based on the record, the Commission finds that the proposed rule 4 CSR 240-123.070 - Monthly Report Requirement for Registered Modular Unit Dealers, is necessary to carry out the purposes of Section 700.040, RSMo Supp. 1999.

**IT IS THEREFORE ORDERED:**

1. That the Staff of the Missouri Public Service Commission is directed to proceed with the necessary procedures of the Commission and applicable procedures of administrative rulemaking and may file a proposed rule in this case for the Commission's consideration.

2. That this order shall become effective on June 13, 2000.

**BY THE COMMISSION**



**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**

( S E A L )

Lumpe, Ch., Drainer, Murray, and  
Schemenauer, CC., concur.

Thornburg, Regulatory Law Judge

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COMMISSION COUNSEL  
PUBLIC SERVICE COMMISSION