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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 25th day of May, 2000.

In the Matter of a Proposed Amendment to)		
Rule 4 CSR 240-124.040 - Commission)	Case No.	MX-2000-444
Approval of Manufactured Home Tie Down)		
Systems.)		

ORDER FINDING NECESSITY FOR RULEMAKING

On January 18, 2000, the Director of the Department of Manufactured Homes and Modular Units of the Missouri Public Service Commission (Director) filed a motion asking that the Commission open a case to consider the necessity and adoption of a rule to clarify the submittal requirements for approval of a tie down system. On May 18, 2000, the Director filed a Motion for Finding of Necessity for Rulemaking with a memorandum attached in support of its motion.

The Director proposes that an existing rule, 4 CSR 240-124.040, be amended to include proposed rules describing the manner in which approval of a manufactured home tie down system may be obtained. The Director indicates that standardized anchoring procedures were developed by an anchor working group created by the Commission to study this matter. The Director states that there is no fiscal impact on the State or on any private or public person or entity resulting from this proposed rule amendment.

Section 700.040.5, RSMo Supp. 1999, authorizes the Commission to promulgate such rules and regulations as necessary to make effective the code and provisions of sections 700.010 to 700.115. Section 700.065, RSMo 1994, requires all manufactured homes located within the state to be anchored and tied down in accordance with the standards promulgated by the Commission. The Staff memorandum demonstrates that the proposed rule is necessary to carry out the purpose of Section 700.065, RSMo 1994, and Section 700.040.5, RSMo Supp. 1999.

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 reasonably available empirical data and an assessment of the cost and effectiveness of the rule, the Commission finds that the proposed amendment to rule 4 CSR 240-124.040 - Commission Approval of Manufactured Home Tie Down Systems, is necessary to carry out the purposes of Section 700.065, RSMo 1994, and Section 700.040.5, 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 6, 2000.

BY THE COMMISSION

Ask Hiney Roberts

Dale Hardy Roberts Secretary/Chief Regulatory Law Judge

(SEAL)

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

Woodruff, Regulatory Law Judge

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COMMISSION COUNSEL PUBLIC SERVICE COMMISSION