

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
August 22, 2000

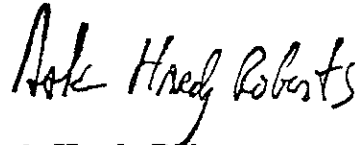
CASE NO: MX-2000-442

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office
in Jefferson City on the 22nd
day of August, 2000.

In the Matter of a Proposed Amendment to Rule)
4 CSR 240-123.040 - Approval of Manufacturing) Case No. MX-2000-442
Programs.)

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 amend 4 CSR 240-123.040 to update the name of the Department of Manufactured Homes and Modular Units (formerly "mobile homes division") and to clarify admission requirements. On July 25, 2000, Staff filed its Motion for Finding of Necessity for Rulemaking with a memorandum attached in support of its motion. In the July 25, 2000, motion Staff states that the purpose of the proposed rulemaking is to clarify the requirements for identifying model names and system change proposals as well as updating the name of the Department of Manufactured Homes and Modular Units. The proposed rulemaking will also increase the fee charged for plan approvals from \$50 to \$75.

Staff stated that Section 700.040.2, RSMo Supp. 1999, authorizes the Commission to collect fees for plan approvals. Section 700.015, RSMo Supp. 1999, requires modular units to be built to the applicable code. Staff also stated that Section 700.040(5) of the Missouri Revised Statutes, Supp. 1999, established that the Commission may issue and promulgate such

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rules as necessary to effectuate the provisions of Sections 700.010 through 700.115, RSMo. Staff stated that the rule changes are necessary to update the rule, clarify plan approval requirements and to recover lost fee revenue caused by recreational vehicle deregulation. Staff stated that the fiscal impact of the proposed amendments is an increase in plan approval fees by approximately \$20,250 annually.

The statutory authority for Commission rule 4 CSR 240-123.040 is Section 700.040(5), RSMo Supp. 1999, which provides that the Commission may promulgate rules and regulations as necessary to make effective the code and provisions of Sections 700.010 to 700.115, the act entitled Manufactured Homes Standards (the Act).

The Staff memorandum demonstrates that the proposed rule amendment is necessary to carry out the purpose of the Act, and is based upon reasonably available empirical data. Staff demonstrates the effectiveness of the proposed rule and the associated costs and revenues. Specifically, Staff demonstrates that there is a need to promulgate a new rule consistent with and in support of Sections 700.040.2, 700.040.4 and 700.015, RSMo Supp. 1999.

Pursuant to Section 563.016, RSMo Supp. 1999, a state agency is required to find, based on substantial evidence on the record, that a proposed rule is necessary to carry out the purposes of the statutes that granted the rulemaking authority. Based on the record, the Commission finds that the proposed amendments to rule 4 CSR 240-123.040 - Approval of Manufacturing Programs are necessary to carry out the purposes of Sections 700.040.2, 700.040.4 and 700.015, RSMo Supp. 1999.

IT IS THEREFORE ORDERED:

1. That the Staff of the Missouri Public Service Commission is authorized in accordance with the procedures of the Commission and applicable procedures of administrative rulemaking to file a proposed rule amendment for the Commission's consideration.

2. That this order shall become effective on September 1, 2000.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

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

Thornburg, Regulatory Law Judge

ALJ/Sec'y: Thornburg/Pope

8-16
Date Circulated

MX-2000-442
CASE NO.

[Signature]
Lumpe, Chair

[Signature]
Drainer, Vice Chair

[Signature]
Murray, Commissioner

[Signature]
Schemenauer, Commissioner

[Signature]
Simmons, Commissioner

8-22
Agenda Date

Action taken: 5-OAS

Must Vote Not Later Than _____

STATE OF MISSOURI
OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and
I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 22nd day of August 2000.

[Signature: Dale Hardy Roberts]
Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

