

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
August 15, 2000**

CASE NO: MX-2000-448

**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,

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive style with a large initial "D".

**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 15th
day of August, 2000.

In the Matter of a Propose New Rule)
4 CSR 240-121.090 - Proper Initial) **Case No. MX-2000-448**
Setup of Pre-owned Manufactured Homes)

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 of a new rule proposing to establish setup requirements for pre-owned manufactured homes as Commission rule 4 CSR 240-121.090. On July 25, 2000, Staff filed its Motion for Finding of Necessity for Rulemaking with a memorandum attached in support of its motion.

Staff stated that Section 700.100, RSMo (Cum. Supp. 1999), requires that a dealer arrange for the proper initial setup of any new or used manufactured home or modular unit sold from or in the state of Missouri. Staff also stated that Section 700.040(5) of the Missouri Revised Statutes, (Cum. Supp. 1999), established that the Commission may issue and promulgate such rules as necessary to effectuate the provisions of Sections 700.010 through 700.115, RSMo. Staff stated that this new rule lists the setup requirements for the installation of pre-owned manufactured homes. Staff stated that this rule is needed to clarify that pre-owned manufactured homes are to be set up according to the

manufacturer's setup and installation manual, if available. If the manufacturer's manual is not available, the pre-owned manufactured home is required to be set up according to the 1994 American National Standard Institute Manufactured Home Installation manual, (ANSI-A225.1-1994). Staff stated that the Commission is currently authorized to enforce these requirements pursuant to Sections 700.010 and 700.100, RSMo. Staff stated that there is no fiscal impact on the State or any private or public person or entity that would be affected by this proposed new rule.

The statutory authority for Commission rule 4 CSR 240-121.090 is Section 700.040(5), RSMo (Cum. 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 Staff memorandum demonstrates that the proposed rule is necessary to carry out the purpose of Section 700.100, RSMo (Cum. Supp. 1999), Section 700.040(5), RSMo (Cum. Supp. 1999), and is based upon reasonably available empirical data. Staff demonstrates the effectiveness of the proposed rule and that there will be no cost to the State or to private or public persons or entities that will be affected by this rule. Specifically, Staff demonstrates that there is a need to promulgate a new rule consistent with and in support of Section 700.100, RSMo (Cum. Supp. 1999).

Pursuant to Section 563.016, RSMo (Cum. 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 new rule 4 CSR 240-121.090 - Proper Initial Setup of Pre-owned Manufactured Homes is necessary to carry out the purposes of Sections 700.040 and 700.100, RSMo (Cum. 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 for the Commission's consideration.

2. That this order shall become effective on August 25, 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

Register, Regulatory Law Judge

ALJ/Sec'y: Register/Boyce

8-9
Date Circulated

MX-2000-448
CASE NO.

SL
Lumpe, Chair

ndp
Draimer, Vice Chair

cm 2,3
Murray, Commissioner

as
Schemenauer, Commissioner

KS
Simmons, Commissioner

8-15
Agenda Date

Action taken: 5-0AA

Must Vote Not Later Than _____

SL

**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 15th day of Aug. 2000.

Dale Hardy Roberts

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

