

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
JEFFERSON CITY  
November 2, 2001

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 a ODER OF RULEMAKING in the above-numbered case(s).

Sincerely,



Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge

January 15. No horsepower restrictions apply. Boats may be left unattended overnight.

5. All boating is prohibited from November 15 through February 15 on the Theodosia Arm of Bull Shoals Lake described as: All of Section 13, and south half of Section 12, T22N, R16W; all of Section 17, south half of Sections 7 and 8, and that part of Sections 19 and 20 north of Highway 160 bridge, all in T22N, R15W.

SUMMARY OF PUBLIC COMMENT: Seasons and limits are excepted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment filed October 1, 2001, effective October 15, 2001.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 120—New Manufactured Homes**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Public Service Commission under section 700.010, RSMo 2000, the commission amends a rule as follows:

**4 CSR 240-120.100 Code is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2001 (26 MoReg 1160-1161). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 121—Pre-Owned Manufactured Homes**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Public Service Commission under section 700.040, RSMo 2000, the commission amends a rule as follows:

**4 CSR 240-121.020 Administration and Enforcement is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2001 (26 MoReg 1161). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Written comments were submitted by the Missouri Manufactured Housing Association (Association). There was no public hearing held. The Association opposes adoption of the amended rule.

COMMENT: Comments were received asserting that since Senate Bill No. 317 (SB 317), concerning the amendment of Chapter 700 of the Missouri Statutes, passed and will become effective, the Public Service Commission will no longer have authority to regulate used manufactured homes. The Association maintains that SB

317 removed all reference to used homes except for "used modular units used for educational purposes." The Association asserts that 4 CSR 240-121.020 should be rescinded due to Chapter 700 amendments.

RESPONSE: The Commission believes that the amendment to Chapter 700 did not remove statutory authority cited in 4 CSR 240-121.020. Therefore, 4 CSR 240-121.020 should remain in effect as proposed. 4 CSR 240-121.020 gives the Commission powers and responsibilities under Chapter 700, RSMo concerning the authority to revoke, deny, refuse to renew or place on probation a registration under section 700.090. The Commission will still require used manufactured home dealers to register with the Commission in order to sell manufactured homes in the State of Missouri.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 121—Pre-Owned Manufactured Homes**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Public Service Commission under section 700.040, RSMo 2000, the commission amends a rule as follows:

**4 CSR 240-121.040 Inspection of Dealer Books, Records, Inventory and Premises is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2001 (26 MoReg 1161-1162). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Written comments were submitted by the Missouri Manufactured Housing Association (Association). There was no public hearing held. The Association opposes adoption of the amended rule.

COMMENT: Comments were received asserting that since Senate Bill No. 317 (SB 317), concerning the amendment of Chapter 700 of the Missouri Statutes, passed and will become effective, the Public Service Commission will no longer have authority to regulate used manufactured homes. The Association maintains that SB 317 removed all reference to used homes except for "used modular units used for educational purposes." The Association asserts that 4 CSR 240-121.040 should be rescinded due to Chapter 700 amendments.

RESPONSE: The Commission believes that the amendment to Chapter 700 did not remove statutory authority cited in 4 CSR 240-121.040. Therefore, 4 CSR 240-121.040 should remain in effect as proposed. 4 CSR 240-121.040 gives the Commission the authority to inspect dealer books, records, inventory and premises. The Commission believes that nothing in the Chapter 700 amendments removes that authority.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 121—Pre-Owned Manufactured Homes**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Public Service Commission under section 700.100, RSMo 2000, the commission withdraws a proposed rule as follows:

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Missouri Public Service Commission  
M 2000418

4 CSR 240-121.090 Proper and Initial Setup of Pre-Owned Manufactured Homes is **withdrawn**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 1, 2001 (26 MoReg 1162-1163). This proposed rule is withdrawn.

**SUMMARY OF COMMENTS:** Written comments were submitted by the Missouri Manufactured Housing Association (Association). There was no public hearing held. The Association opposes adoption of the rule.

**COMMENT:** Comments were received asserting that since Senate Bill No. 317 (SB 317), concerning the amendment of Chapter 700 of the Missouri Statutes, passed and will become effective, the Public Service Commission will no longer have authority to regulate used manufactured homes. The Association maintains that SB 317 removed all reference to used homes except for "used modular units used for educational purposes." The Association asserts that 4 CSR 240-121.090 should be rescinded due to Chapter 700 amendments.

**RESPONSE:** The Commission agrees that Chapter 700 amendments did affect statutory authority cited in 4 CSR 240-121.090 and that the proposed rule will be withdrawn. 4 CSR 240-121.090 pertains to the requirements for the installation and set-up of pre-owned manufactured homes. The Commission no longer has jurisdiction over set-up issues on preowned manufactured homes therefore this proposed rule is no longer relevant.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 10—Air Conservation Commission**  
**Chapter 6—Air Quality Standards, Definitions,**  
**Sampling and Reference Methods**  
**and Air Pollution Control Regulations for the Entire**  
**State of Missouri**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-6.110 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 2, 2001, (26 MoReg 1322-1328). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Missouri Department of Natural Resources' Air Pollution Control Program received comments from: American Lung Association of Eastern Missouri, Armstrong Teasdale LLP, Associated Electric Cooperative, Inc. (AECI), Associated General Contractors of Missouri, Inc., Associated Industries of Missouri, Audubon Missouri, Chemistry Council of Missouri, Environ Corporation, Kansas City Health Department Air Quality Program, Kansas City Power & Light, Mid-America Regional Council, Mining Industry Council of Missouri, Mississippi Lime Company, Missouri Ag Industries Council, Inc., Missouri Chamber of Commerce, Missouri Coalition for the Environment, Missouri Concrete Association, Inc., Missouri Limestone Producers Association (MLPA), Recycle Missouri, Inc., Regulatory Environmental Group for Missouri (REGFORM), Saint Louis City Air Pollution Control Program, St. Louis County Health Department Air Pollution Control Program, Saint Louis Regional Chamber and Growth Association, Sierra Club of Missouri, Springfield-Greene County Air Pollution

Control Authority, and United States Environmental Protection Agency (Region 7 (EPA)). The comments focused on support and opposition to the proposed emission fee increase, permit regulation and administration, and impact of emission fee increase on small businesses.

**COMMENT:** Armstrong Teasdale, AECI, Associated General Contractors of Missouri, Mississippi Lime Company, Missouri Ag Industries Council, Missouri Chamber of Commerce, Missouri Limestone Producers Association, Recycle Missouri, Inc., Associated Industries of Missouri, and REGFORM commented that the emission fee should not be increased until the Air Program addresses the problems that exist in its administration of the permitting process. The commenters stated that emissions fees should be decreasing rather than increasing because of efficiency initiatives. Additional improvements would result in no fee increase.

**RESPONSE AND EXPLANATION OF CHANGE:** The department's Air Pollution Control Program understands the issues expressed. The authorizing statute allows improvements in efficiencies to be considered when the fee is annually updated. The proposed emission fee increase was based on currently available financial information. If in future years the permit administrative process results in improved efficiency, the emission fee analysis will take into consideration the improvements made. This could result in the emission fee being adjusted to reflect those improvements. Further, the following improvements have been made to the permitting processes through the Construction Permit Streamlining Workgroup and other efficiency initiatives.

**Fixed Relocation Fee.** The Missouri Air Conservation Commission (MACC) adopted the regulation changes required to implement this recommendation and the department's Air Pollution Control Program is now charging a fixed \$200 fee for reviewing these applications.

**Issue Fee Letter Concurrent to Executive Review/Signature Delegation.** Signature authority was delegated to the department's Air Pollution Control Program in 1997.

**Permit-by-Rule.** The Missouri Air Conservation Commission adopted the construction permit rule revisions which included a placeholder for the Permit-by-Rule concept. The Missouri Limestone Producers Association hired a consultant to work with staff to help streamline reviews for their industry. Several working meetings were held and an air quality computer screening tool was developed. Staff within the New Source Review Unit are using a version of this screening tool when conducting reviews. The Missouri Department of Natural Resources' Technical Assistance Program conducted a training session to introduce this tool to MLPA members. Once applicants become familiar with this tool, the department's Air Pollution Control Program expects it to be used on a majority of projects. This will reduce review time and project turnaround. It is likely that this approach is feasible for other industries. The department's Air Pollution Control Program will proceed with the development of similar computer screening tools as time is available.

**Exemptions.** A list of exempt projects was included in the revised construction permit application package.

**Construction Permit Review Manual.** The construction permit review manual was updated to incorporate the changes recommended by the Construction Permit Streamlining Workgroup. Every year the department's Air Pollution Control Program updates this manual.

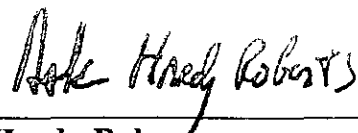
**Revised Permit Application Package.** This package has been in use for about one year now. This has helped improve applications, but substandard applications continue to be a problem. A good application is strongly correlated to short review times. Close analysis of the processing times for New Source Review permit applications shows that time spent waiting on applicants to supply additional information after the application has been submitted approximately equals the time needed by the department's Air

**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 2<sup>nd</sup> day of Nov. 2001.



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

