

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
JEFFERSON CITY  
March 16, 2000**

**CASE NO: MX-2000-437**

**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, slightly slanted style.

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

# Interoffice MEMORANDUM

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**To:** Dale Hardy Roberts

**From:** David Stueven

**Subject:** Case No. MX-2000-437 Rulemaking Packet  
Proposed Rule 4 CSR 240-121.185—Pre-owned Manufactured Home Inspection Fee

**Date:** August 10, 2000

In accord with Internal Procedure 9, I have attached a rulemaking packet for the Proposed Rule 4 CSR 240-121.185—Pre-owned Manufactured Home Inspection Fee. This rule implements an inspection fee for pre-owned manufactured homes.

This packet includes, in hard copy and on floppy diskette, the following:

- 1) the Proposed Rule;
- 2) a takings analysis;
- 3) a small business analysis;
- 4) a draft authorization memorandum for signature by the Commissioners;
- 5) a draft rule transmittal form to the Missouri Secretary of State, Administrative Rules Division;  
and
- 6) a draft cover letter to the Missouri Secretary of State, Administrative Rules Division.

Also included, in hard copy only, are the following:

- 1) a public entity cost affidavit executed by the Director of the Department of Economic Development; and
- 2) a private entity fiscal note.

If you have any questions, please call David Stueven at 751-6726, or if he is unavailable, Nathan Williams at 751-8702 or Keith Krueger at 751-4140.

Attachments.

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a Session of the Public Service  
Commission held at its office  
in Jefferson City on the 16th  
day of March, 2000.

In the Matter of a Proposed New Rule 4)  
CSR 240-121.185 - Inspection Fee.       ) Case No. MX-2000-437

**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 rule to implement an inspection fee in accordance with Section 700.040, RSMo (Cum. Supp. 1999). On February 14, 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 240-121.185, to be adopted pursuant to Section 700.040, RSMo (Cum. Supp. 1999), that will set inspection fees for manufactured homes to be paid to the Manufactured Housing Fund. This fund is established by statute to fund the costs to the Commission of administering the Commission's duties under Chapter 700 of the Revised Statutes.

The Staff memorandum demonstrates that the proposed rule is necessary to carry out the purpose of Section 700.040, RSMo (Cum. Supp. 1999), and is based upon reasonably available empirical data. The Staff demonstrates the effectiveness and cost of the proposed rule to the state

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and to private or public persons or entities that will be affected by the rule. Specifically, the Staff demonstrates that the fee will generate revenues required to fund appropriation requirements and presents the anticipated fees and costs per manufactured home sold under two possible scenarios anticipated by Staff.

Pursuant to Section 536.016, RSMo (Cum. 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 new rule 4 CSR 240-121.185 - Inspection Fee, is necessary to carry out the purposes of Section 700.040, RSMo (Cum. Supp. 1999).

**IT IS THEREFORE ORDERED:**

1. That the Staff of the Missouri Public Service Commission is authorized 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 March 28, 2000.

**BY THE COMMISSION**

( S E A L )



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

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

Register, Regulatory Law Judge

Attest:

*Register/Boyle*

3-13

Date Circulated

MX-2000-437  
CASE NO.

*[Signature]*  
Lumpe, Chair

*[Signature]*  
Cumpton, Commissioner

*[Signature]*  
Murray, Commissioner

*[Signature]*  
Schemenauer, Commissioner

*[Signature]*  
Drainer, Vice-Chair

3-16  
Agenda Date

Action taken:

5-0 A5

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 16<sup>th</sup> day of March 2000.

*Dale Hardy Roberts*

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

