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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 16th
day of November, 1999.

Director of the Division of Manufactured	)	
Homes, Recreational Vehicles and Modular	)	
Units of the Public Service Commission,	)	
	)	
Complainant,	)	
	)	
v.	)	<u>Case No. MC-99-221</u>
	)	
Lake Area Development Co. Inc.	)	
DBA Factory Direct Manufactured Housing,	)	
	)	
Respondent.	)	

ORDER DISMISSING CASE

On November 17, 1998, the Director of the Division of Manufactured Homes, Recreational Vehicles and Modular Units of the Public Service Commission of the State of Missouri (Director) filed a complaint with the Missouri Public Service Commission (Commission) against Lake Area Development Company, Inc. d/b/a Factory Direct Manufactured Housing (Factory) for failure to properly set up a manufactured home and to correct code violations in a manufactured home as required by Section 700.100.3(6), RSMo 1994¹.

Factory filed an answer on December 23, 1998, and moved to dismiss the complaint. On December 30, 1998, the Director filed a

¹ All references herein to Sections of the Revised Statutes of Missouri (RSMo), unless otherwise specified, are to the revision of 1994.

response to Factory's motion to dismiss. On June 17, 1999, this motion was denied.

A prehearing conference was held on February 2, 1999. As a result of discussions during and after the prehearing conference, the Director and Factory filed their proposed Stipulation and Agreement (Agreement) on June 9, 1999. The Commission requested a memorandum from the Director, and on June 16, 1999, the Director filed his Suggestions in Support of the Stipulation and Agreement. Factory did not respond.

On July 6, 1999, the Commission issued its order approving the Agreement, with one exception. Paragraph 6 of the Agreement stated that the Factory would be placed on a ninety (90) day probation, the probationary period beginning on the date that the Commission approved the Agreement. Paragraph 12 of the Agreement stated that the Director would dismiss the case "with prejudice" within one (1) week after the Commission approved the Agreement. These two paragraphs were obviously contradictory: If the Commission allowed the dismissal with prejudice, then there would be no case in which Factory was on probation. However, the Commission desired that Factory be put on probation. Thus, the Commission did not approve Paragraph 12 of the Agreement.

In its order, the Commission placed Factory on a ninety (90) day probation beginning on July 16, 1999, with the condition that it comply with any and all of the statutes, rules, and regulations pertaining to the sale or setup of manufactured homes. The Commission also ordered that the Director report to the Commission at the end of the probationary period, said report stating whether or not Factory had complied with the

condition of its probation. The Commission's order stated that if the report did not indicate a probation violation, then this case may be closed.

On November 2, 1999, the Director filed his Motion to Dismiss Complaint. The Director reported that Factory has completed its probation to the Director's satisfaction and that Factory has resolved all consumer complaints in a timely manner.

Commission Rule 4 CSR 240-2.116(1) states in part:

[A]...complainant may voluntarily dismiss [a]... complaint without an order of the commission at any time before prepared testimony has been filed or oral evidence has been offered by filing a notice of dismissal with the commission and serving a copy on all parties.

Since there has been no prepared testimony filed or oral evidence offered, the Commission will grant the Director's motion, dismiss the complaint against Factory, and close this case.

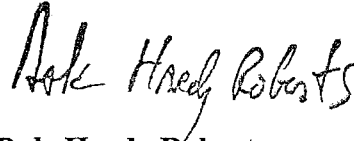
IT IS THEREFORE ORDERED:

1. That the Complaint filed on November 17, 1998, by the Director of the Division of Manufactured Homes, Recreational Vehicles and Modular Units of the Public Service Commission of the State of Missouri against Lake Area Development Company, Inc. d/b/a Factory Direct Manufactured Housing is dismissed.

2. That this order shall become effective on November 30, 1999.

3. That this case may be closed on December 1, 1999.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

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

Hopkins, Senior Regulatory Law Judge

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION