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November 13, 2001

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Missouri Public
Service Commission

Commissioners
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Chair
CONNIE MURRAY
SHEILA LUMPE
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Honorable Matt Blunt
Secretary of State
600 West Main Street
Jefferson City, Missouri 65101

ATTENTION: Administrative Rules Division

I do hereby certify that the attached are accurate and complete copies of the Order of Rulemaking lawfully submitted by the Missouri Public Service Commission for filing this 13th day of November, 2001.

Rule: 4 CSR 240-124.040 – Commission Approval of Manufactured Home Tiedown Systems

Statutory authority: 700.076, RSMo 2000

Missouri Public Service Commission Case No.: MX-2000-444

If there are any questions, please contact: Bruce H. Bates, Associate General Counsel
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200 Madison St.
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BY THE COMMISSION

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

Administrative Rules Stamp

MATT BLUNT
Secretary of State
Administrative Rules Division
RULE TRANSMITTAL

A "SEPARATE" rule transmittal sheet must be used for EACH individual rulemaking.

A. Rule Number 4 CSR 240-124.040
Diskette File Name 11/13/01 Final Orders of Rulemaking
Name of Person to call with questions about this rule: Bruce H. Bates
Context _____ Phone 573/751-7434 FAX 573/751-9285
Data Entry _____ Phone _____ FAX _____
Interagency Mailing Address 200 Madison St., P.O. Box 360, Jefferson City, MO 65102

Statutory Provision for Rulemaking
Authority 700.076 Provide Most Current RSMo Year 2000

Date Filed With the Joint Committee on Administrative Rules Exempt per Sections 536.024 and 536.037, RSMo Supp. 1998, and Executive Order No. 97-97 (June 27, 1997)

B. CHECK, IF INCLUDED: FORMS, List by Mo-Form Number, # of Pages
☒ Cover Letter _____
_____ Affidavit _____
_____ Cost Statements _____
_____ Public Entity Fiscal Note OTHER _____
_____ Private Entity Fiscal Note _____

C. RULEMAKING ACTION TO BE TAKEN

_____ Emergency Rulemaking, Must Specify Effective Date
_____ Proposed Rulemaking (New Rule or Amendment or Rescission of Existing Rule)
☒ Order of Rulemaking (MUST complete page 2 of this transmittal)
_____ Withdrawal (Rule, Amendment, Rescission or Emergency)
_____ Rule Action Notice
_____ In Addition

D. SPECIFIC INSTRUCTIONS: In this space indicate any special instructions (e.g., specify publication date preference, identify material incorporated by references, etc.)

E. ORDER OF RULEMAKING: Rule Number 4 CSR 240-124.040

1a. Effective Date for the Order

Statutory 30 days X or later specific date _____

1b. Does the Order of Rulemaking contain changes to the rule text?

YES X NO _____

1c. If the answer is YES, please complete section F. If the answer is NO, Stop here.

F. Please provide a complete list of the changes in the rule text for the order or rulemaking, indicating the specific section, subsection, subparagraph, part, etc., where each change is found.

(Start text here. If text continues to a third page, insert a continuous section break and, in section 3, delete the footer language that appears at the bottom of this page.)

Please see attached comments.

NOTE: ALL changes MUST be specified here in order for those changes to be made in the rule as published in the *Missouri Register* and the *Code of State Regulations*.

Add additional sheet(s), if more space is needed.

Title 4 – DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240 – Public Service Commission
Chapter 124 – Manufactured Home Tie down Systems

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SECRETARY OF STATE
ADMINISTRATIVE RULES

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 700.076 RSMo 2000, the Commission amends a rule as follows:

4 CSR 240-124.040 Commission Approval of Manufactured Home Tiedown Systems is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 16, 2001 (26 Mo. Reg. 1447). Changes have been made in the text of the following proposed amendment and reprinted here. The proposed rule becomes effective thirty 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 submitted comments concerning amended rule: 4 CSR 240-124.040. As a result of the Association's comments, changes have been made to five sections of 4 CSR 240-124.040.

COMMENT: 4 CSR 240-124.040 (2)(E) sets out the requirements for approval of anchor systems. Section (2)(E) 1, provides for the submittal of detailed drawings of proposed anchor systems. The Association believes that installation instructions should also accompany all approval applications.

RESPONSE AND EXPLANATION OF CHANGE: The Commission agrees that installation instruction should accompany all anchoring system approval applications. The Commission proposes that (2)(E)(1) be revised to reflect this change.

COMMENT: 4 CSR 240-124.040 (2)(E) 1 B, requires each drawing to bear a seal of a registered professional engineer, registered in the State of Missouri. The Association believes it is an unnecessary duplication of effort and unnecessary expense to require the seal of a Missouri registered engineer, and that the Commission should allow certification reciprocity with other States. Therefore, the Association proposes to reword subsection 1 B as follows: Each drawing and installation instruction shall bear the seal of a registered professional engineer.

RESPONSE: A requirement for receiving approval to become a third party engineering agency for purposes of representing the Missouri modular unit program is to have a Missouri registered engineer employed by the agency. The modular unit program has not required that drawings bear the seal of that particular engineer. However it is required that the engineering firm place its seal on all drawings being submitted for approval.

Therefore, the Commission believes the text in 4 CSR 240-124.040 (2)(E) 1 B is sufficient and should not be changed.

COMMENT: 4 CSR 240-124.040 (2)(E) 2, requires each anchor system model to be tested and verified by an "approved testing agency". The rule does not define "approved testing agency" nor does it set out a list of approved testing agencies. The Association believes a definition of "approved testing agencies", or a list of approved testing agencies be included in the rule.

RESPONSE AND EXPLANATION OF CHANGE: The Commission agrees that the term "approved testing agency" should be clarified. Therefore, the Commission proposes that this rule be revised to clarify or restate this requirement.

COMMENT: 4 CSR 240-124.040 (2)(E) 2 A, requires that an "authorized representative" must issue a certification concerning the pullout tests to be performed on each anchor system model. The rule does not define or identify the authorized representative and the Association believes that for the sake of clarity the term "authorized representative should be defined.

RESPONSE AND EXPLANATION OF CHANGE: The Commission agrees that the term "authorized representative should be clarified, and proposes that this rule be revised to clarify or restate this requirement.

COMMENT: 4 CSR 240-124.040 (2)(E) 2 A, also requires that each anchor tested must be "pulled at a 45 degree angle". A review of anchor manufacturer's instructions reveals that a pullout angle of between 40-degrees and 50-degrees is acceptable. The Association maintains that registered engineers have stated that a tolerance of plus or minus five degrees meets acceptable engineering standards, and that it would be virtually impossible for a testing agency to certify that a precise angle of 45-degrees was maintained throughout the tests.

RESPONSE AND EXPLANATION OF CHANGE: The Commission agrees that the above reference in Section (2)(E) 2 A "pulled at a 45-degree angle", can be revised to state, "pulled at an angle between 40- degrees and 50-degrees".

COMMENT: 4 CSR 240-124.040 (2)(E) 2 B, provides "failure and ultimate load capacity tests shall be performed on three samples of each component part and must also be witnessed by the authorized representative". The Association believes that the testing required by this subsection duplicates the tests required by subsection 2 C, and suggests that subsection 2 B be deleted.

RESPONSE: The Commission believes that subsection 2 B simply states the fact that load capacity tests must be performed on three samples of each component of an anchoring system and must be witnessed. Subsection 2 C expands further to explain the details of those tests. The Commission believes that the text in subsection 2 B is sufficient.

COMMENT: 4 CSR 240-124.040 (2)(E) 2 C, provides "The anchor will be approved for all soil test probe values at or above the soil test probe value in which the anchor is tested". This language applies to pullout tests conducted in the field and is

inappropriately placed in the subsection dealing with laboratory tests. This sentence should be deleted from paragraph 2 C and incorporated into paragraph (2)(E) 2 A.
RESPONSE AND EXPLANATION OF CHANGE: The Commission agrees that the language mentioned is out of place and should be deleted from subsection (2)(E) 2 C and placed in subsection (2)(E) 2 A.

4 CSR 240-124.040 Commission Approval of Manufactured Home Tie down Systems

(2)(E)(1) Detailed drawings and installation instructions of each type of anchor system and for each type of component for which approval is sought must accompany the submittal;

(2)(E)(2) Each anchor system model must be tested and certified by a recognized testing agency to be in conformance with the standards promulgated by the Commission and accepted engineering practice.

(2)(E)(2)(a) Pull out tests shall be performed on three samples of each anchor system model and the failure load for all three tests must equal or exceed 4,725 pounds. An authorized representative of the Commission must certify that three pullout tests were performed on each anchor system model. The anchor shall be installed with the specified tie attached, in a soil type for which the anchor is designed and pulled at an angle between 40-degrees and 50-degrees. The anchor will be approved for all soil test probe values at or above the soil test probe value in which the anchor is tested. The device shall be set up as required by the installation instructions. The test report shall include a photograph or drawing. The load at failure and the type of failure shall be described. The anchoring system must be capable of meeting or exceeding the Zone 1 wind load requirements of the Federal Manufactured Home Construction and Safety Standards 24 CFR 3280.306.

(2)(E)(2)(b) Failure and ultimate load capacity tests shall be performed on three samples of each component part and must also be witnessed by an authorized representative of the Commission.

(2)(E)(2)(c) Laboratory destruction tests shall be performed on each anchor system model and the failure load must equal or exceed 4,725 pounds. These tests are needed to establish the required strengths of the components and component connections of an anchor.