

*Robin  
Carnahan*

Secretary of State  
Administrative Rules Division

RULE TRANSMITTAL

Administrative Rules Stamp

RECEIVED

OCT 04 2010

SECRETARY OF STATE  
ADMINISTRATIVE RULES

FILED

Rule Number 4 CSR 240-125.090 Dispute Resolution

OCT 5 2010

Use a "SEPARATE" rule transmittal sheet for EACH individual rulemaking.

Missouri Public  
Service Commission

Name of person to call with questions about this rule:

Content Morris Woodruff Phone 573-751-2849 FAX 573-526-6010

Email address morris.woodruff@psc.mo.gov

Data Entry Morris Woodruff Phone 573-751-2849 FAX 573-526-6010

Email address morris.woodruff@psc.mo.gov

Interagency mailing address 200 Madison St., Suite 900, Jefferson City, MO 65102

TYPE OF RULEMAKING ACTION TO BE TAKEN

☐ Emergency rulemaking, include effective date

☒ Proposed Rulemaking

☐ Withdrawal ☐ Rule Action Notice ☐ In Addition ☐ Rule Under Consideration

☐ Order of Rulemaking

Effective Date for the Order \_\_\_\_\_

☒ Statutory 30 days OR Specific date \_\_\_\_\_

Does the Order of Rulemaking contain changes to the rule text? ☐ NO

☐ YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text:

Small Business Regulatory  
Fairness Board (DED) Stamp

SMALL BUSINESS  
REGULATORY FAIRNESS BOARD

OCT 04 2010

RECEIVED

JCAR Stamp

JOINT COMMITTEE ON

OCT 04 2010

ADMINISTRATIVE RULES



**Commissioners**

**ROBERT M. CLAYTON III**  
Chairman

**JEFF DAVIS**

**TERRY M. JARRETT**

**KEVIN GUNN**

**ROBERT S. KENNEY**

***Missouri Public Service Commission***

POST OFFICE BOX 360  
JEFFERSON CITY MISSOURI 65102  
573-751-3234  
573-751-1847 (Fax Number)  
<http://www.psc.mo.gov>

**WESS A. HENDERSON**  
Executive Director

**DANA K. JOYCE**  
Director, Administration and  
Regulatory Policy

**ROBERT SCHALLENBERG**  
Director, Utility Services

**NATELLE DIETRICH**  
Director, Utility Operations

**STEVEN C. REED**  
Secretary/General Counsel

**KEVIN A. THOMPSON**  
Chief Staff Counsel

October 4, 2010

Robin Carnahan  
Secretary of State  
Administrative Rules Division  
600 West Main Street  
Jefferson City, Missouri 65101

Re: 4 CSR 240-125.090 Dispute Resolution

Dear Secretary Carnahan,

**CERTIFICATION OF ADMINISTRATIVE RULE**

I do hereby certify that the attached is an accurate and complete copy of the proposed rulemaking lawfully submitted by the Missouri Public Service Commission.

The Public Service Commission has determined and hereby certifies that this proposed rulemaking will not have an economic impact on small businesses. The Public Service Commission further certifies that it has conducted an analysis of whether there has been a taking of real property pursuant to section 536.017, RSMo 2000, that the proposed rulemaking does not constitute a taking of real property under relevant state and federal law, and that the proposed rulemaking conforms to the requirements of 1.310, RSMo, regarding user fees.

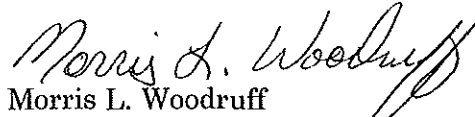
The Public Service Commission has determined and hereby also certifies that this proposed rulemaking complies with the small business requirements of 1.310, RSMo, in that it does not have an adverse impact on small businesses consisting of fewer than twenty-five full or part-time employees or it is necessary to protect the life, health, or safety of the public, or that this rulemaking complies with 1.310, RSMo, by exempting any small business consisting of fewer than twenty-five full or part-time employees from its coverage, by implementing a federal mandate, or by implementing a federal program administered by the state or an act of the general assembly.

Robin Carnahan, Secretary of State  
October 4, 2010  
Page Two

Statutory Authority: section 700.689 RSMo Supp. 2009

If there are any questions regarding the content of this proposed rulemaking, please contact:

Morris L. Woodruff, Chief Regulatory Law Judge  
Missouri Public Service Commission  
200 Madison Street  
P.O. Box 360  
Jefferson City, MO 65102  
(573) 751-2849  
morris.woodruff@psc.mo.gov

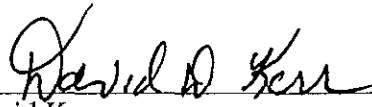
  
Morris L. Woodruff  
Chief Regulatory Law Judge

Enclosure

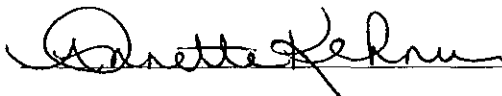
**AFFIDAVIT  
PUBLIC COST**

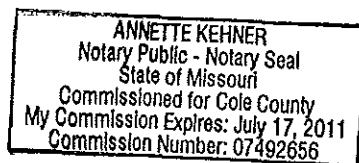
STATE OF MISSOURI     )  
                                  ) ss.  
COUNTY OF COLE        )

I, David Kerr, Director, Missouri Department of Economic Development, first being duly sworn, on my oath, state that it is my opinion that the cost of the proposed rule, 4 CSR 240-125.090, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.

  
\_\_\_\_\_  
David Kerr  
Director  
Department of Economic Development

Subscribed and sworn to before me this 14<sup>th</sup> day of Sept, 2010. I am commissioned as a notary public within the County of Cole, State of Missouri, and my commission expires on 17 July 2011.

  
\_\_\_\_\_



Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240 – Public Service Commission

Chapter 125.090 Dispute Resolution

RECEIVED

OCT 04 2010

PROPOSED RULE

SECRETARY OF STATE  
ADMINISTRATIVE RULES

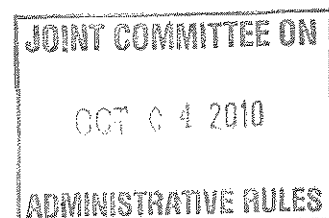
*Purpose: To establish, pursuant to section 700.689, RSMo, a manufactured housing dispute resolution program to promote the timely resolution of disputes among manufacturers, dealers, and installers of manufactured homes.*

(1) After completion of an initial inspection of a manufactured home, a dispute resolution process may be initiated in order to resolve disputes between the manufacturer, the dealer, and the installer of the home. This process may be initiated at the request of the director, or upon a manufacturer, dealer, or installer having submitted to the director a written request within fourteen (14) days after receipt of the director's initial inspection report.

(2) All dispute resolutions shall be conducted at the site of the manufactured home, unless determined by the director to be unreasonable or impracticable to do so. Upon the decision to initiate the dispute resolution process or upon receipt of a written request to do so, the director shall notify in writing all parties of the time and place of the dispute resolution. In attempting to schedule the dispute resolution, the director shall make a good faith effort to consider the input of the parties, provided that in any case where a deficiency is determined by the director to be an imminent safety hazard or to constitute a serious structural defect, an immediate hearing may be scheduled at the sole discretion of the director. The homeowner shall have the right to attend the dispute resolution, to provide input at the request of the director, and to be informed of the outcome.

(3) The manufacturer, dealer, and installer shall be required to attend the dispute resolution at the time and place determined by the director. Any party who fails to attend the dispute resolution shall be deemed to have waived its right to provide input in the process.

(4) Each inspection item in dispute shall be discussed at the dispute resolution. All parties shall be given the opportunity to present their



position in respect to disputed items. The parties shall also discuss with the director a timeline for completion of any disputed items and work to reach an agreement thereon.

(5) Within ten (10) days of the dispute resolution, the director shall send to the parties a final inspection report that identifies which party has been determined by the director to be responsible for repairing the items originally in dispute. This final inspection report shall also include a date by which the required repairs shall be completed.

(6) Reasonable extensions to the required completion dates may be granted by the director under circumstances including, but not limited to impracticability due to weather or the ability of a party to obtain engineering or permit approvals.

(7) If the repairs are not completed by the original or duly extended deadline, the director may file a formal complaint with the commission.

*AUTHORITY: Section 700.689, RSMo Supp. 2009. Original rule filed \_\_\_\_\_.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) annually in the aggregate.*

*PRIVATE ENTITY COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) annually in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement including reference to Case No. MX-2011-0064 in support of or in opposition to this proposed rule with the Public Service Commission, Steve Reed, Secretary, P.O. Box 360, Jefferson City, Missouri 65102. Comments may also be submitted by using the Commission's electronic information filing and information system at <http://psc.mo.gov/case-filing-information> . To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

# **Small Business Regulator Fairness Board**

## **Small Business Impact Statement**

**Date:** September 6, 2010

**Rule Numbers:** 4 CSR 240-125.090

**Name of Agency Preparing Statement:** Missouri Public Service Commission

**Name of Person Preparing Statement:** Ron Pleus

**Phone Number:** 573-751-7119

**Email:** ron.pleus@psc.mo.gov

**Name of Person Approving Statement:**

**Please describe the methods your agency considered or used to reduce the impact on small businesses** (*examples: consolidation, simplification, differing compliance, differing reporting requirements, less stringent deadlines, performance rather than design standards, exemption, or any other mitigating technique*).

*Adopting a formal Dispute Resolution follows the current process and meets the requirements of section 700.689. Reduces the costs of having formal hearings and helps to ensure timely repairs are made to manufactured homes.*

**Please explain how your agency has involved small businesses in the development of the proposed amendment and rule.**

The agency is the State Administrative Agency (SAA) for HUD for the regulation and enforcement of the HUD building Codes that apply to Manufactured HUD Code factory built structures and the Dispute Resolution process is part of the HUD standards as identified in the Federal Manufactured Housing Improvement Act.

**Please list the probable monetary costs and benefits to your agency and any other agencies affected. Please include the estimated total amount your agency expects to collect from additionally imposed fees and how the moneys will be used.**

Monetary costs will be less than \$500 for revisions to existing forms and other notifications to the Industry. Those notifications can be included in existing notifications. This rule should help to reduce or eliminate the costs of formal hearings. No other additional imposed fees are required.

**Please describe small businesses that will be required to comply with the proposed rule and how they may be adversely affected.**

No adverse effect, rule should assist small businesses, Dealers and installers of manufactured homes should obtain more timely approval and installation of manufactured homes in local communities and repairs to manufactured homes should be completed in a more timely manner.

**Please list direct and indirect costs (in dollars amounts) associated with compliance.**

Respondents listed no direct or indirect costs with the implementation of the proposed rule.

**Please list types of business that will be directly affected by, bear the cost of, or directly benefit from the proposed rule.**

Manufactures, dealers, and installers of manufactured homes will benefit from the reduction in costs by reducing the need for formal hearings and consumers will benefit by having timely repairs made to their homes.

**Does the proposed rule and amendment include provisions that are more stringent than those mandated by comparable or related federal, state, or county standards?**

Yes\_\_\_ No\_\_X\_\_

**If yes, please explain the reason for imposing a more stringent standard.**

*For further guidance in the completion of this statement, please see §536.300, RSMo.*