

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 29th
day of June, 1993.

Keith Walker and Angie Walker,)	
)	
Complainants,)	
)	
vs.)	<u>CASE NO. MC-93-256</u>
)	
Southern Living Homes,)	
)	
Respondent.)	

ORDER DISMISSING COMPLAINT

On March 4, 1993, Keith and Angie Walker (Complainants) filed a complaint against Southern Living Homes (Respondent) alleging that Respondent has failed to make repairs to their mobile home despite several requests to do so. On March 23, 1993, Respondent filed an answer to the complaint. Respondent stated that the one-year warranty on Complainants' mobile home expired in May, 1992. Respondent also stated that it performed repairs on Complainants' mobile home prior to the warranty's expiration.

On May 25, 1993, the Staff of the Commission (Staff) filed a report on its investigation into the complaint. Staff stated that Complainants list four items that they want repaired: (1) two pieces of wallboard in the No. 3 bedroom; (2) one piece of wallboard in the rear bathroom; (3) the cool seal on the front door side of the home's roof edge; and (4) the carpeting in the rear bathroom and in the No. 3 bedroom. Staff also stated that it inspected Complainants' mobile home but was unable to determine that the items inspected were not the result of normal wear and aging or homeowner neglect of maintenance. Staff recommended that the Commission dismiss the complaint.

Having considered Complainants' pleading, Respondent's answer, and Staff's report, the Commission finds that the complaint should be dismissed. Section 386.390, RSMo 1986, requires a complainant to allege any act or thing done or omitted to be done by a public utility in violation of any provision of law or of any rule, order, or decision of the Commission. The Commission finds that Complainant has failed to allege specifically what provisions of law, rule, or Commission order Respondent is to have violated. Thus, the complaint fails to state facts upon which relief can be granted, and it should be dismissed. 4 CSR 240-2.070(6).

IT IS THEREFORE ORDERED:

1. That the complaint of Keith and Angie Walker against Southern Living Homes is hereby dismissed.
2. That this Order shall become effective on July 9, 1993.

BY THE COMMISSION

Brent Stewart

Brent Stewart
Executive Secretary

(S E A L)

Mueller, Chm., McClure, Perkins,
and Kincheloe, CC., Concur.
Crumpton, C., Absent.