

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

Director of the Manufactured Housing and)
Modular Units Program of the Missouri)
Public Service Commission,)
)
Complainant,)
)
v.)
)
Brookside Homes, Inc.,)
)
Respondent.)

Case No. MC-2009-0020

DIRECTOR'S POSITION STATEMENT

COMES NOW the Director of the Manufactured Housing and Modular Units Program of the Missouri Public Service Commission, by and through counsel, and for his Position Statement states:

1. ISSUE: Did Brookside fail to arrange for the proper initial setup of a manufactured home sold by Brookside to Jeremy and Casey Dement, in violation of Section 700.100.3(6).

“Setup” is defined by section 700.010(14) as:

the operations performed at the occupancy site which renders a manufactured home or modular unit fit for habitation, which operations include, but are not limited to, moving, blocking, leveling, supporting, and assembling multiple or expandable units.

POSITION: Yes. Brookside failed to ensure that the home was properly setup in a timely manner by failing to:

Install the carpet on the marriage line correctly;

Strap and place the A/C electrical wire under the home in conduit;

Tape or mark the A/C white wire in the panel box to identify it as hot;

Fire stop the A/C a-coil lines at the furnace;

Install a Siemens breaker for the air conditioner;

Repair a damaged rim joist; and

Repair damaged roof decking.

2. ISSUE: Did Brookside engage in conduct in violation of Section 700.045(5) by failing to correct code violations in a manufactured home sold by Brookside to Jeremy and Casey Dement within a reasonable period of time, not to exceed 90 days, after being ordered to do so in writing by the Director, in violation of Section 700.100.3(9).

The “code” adopted by the Commission pursuant to section 700.010(2) is defined in Rule 4 CSR 240-120 as:

(1) The federal standards as incorporated by reference in 24 CFR Part 3280 constitute the code to be applied to new manufactured homes...which are rented, leased or sold or offered for rent, lease or sale in this state.

(2) All new manufactured homes shall be set up or installed according to the manufacturer’s installation instructions.

POSITION: Yes. Brookside failed to correct code violations within a reasonable period of time by failing to correct the following until at least five (5) months after being ordered to do so in writing:

Install the carpet on the marriage line correctly;

Strap and place the A/C electrical wire under the home in conduit;

Tape or mark the A/C white wire in the panel box to identify it as hot;

Fire stop the A/C a-coil lines at the furnace;

Install a Siemens breaker for the air conditioner;

Repair a damaged rim joist; and

Repair damaged roof decking.

3. ISSUE: Did Brookside fail to arrange for the proper initial setup of a manufactured home sold by Brookside to Bill Cook, in violation of Section 700.100.3(6).

“Setup” is defined by section 700.010(14) as:

the operations performed at the occupancy site which renders a manufactured home or modular unit fit for habitation, which operations include, but are not limited to, moving, blocking, leveling, supporting, and assembling multiple or expandable units.

POSITION: Yes. Brookside failed to ensure that the home was properly setup in a timely manner by failing to:

Connect the “pos” system to the top of the furnace or wall;

Strap and place in conduit the A/C wire under the home;

Repair the drywall on the ceiling at the marriage wall;

Correctly install the carpet on the marriage line; and

Strap and place in conduit the water pump electric wire under the home.

4. ISSUE: Did Brookside engage in conduct in violation of Section 700.045(5) by failing to correct code violations in a manufactured home sold by Brookside to Bill Cook within a reasonable period of time, not to exceed 90 days, after being ordered to do so by the Director, in violation of Section 700.100.3(9).

The “code” adopted by the Commission pursuant to section 700.010(2) is defined in Rule 4 CSR 240-120 as:

(1) The federal standards as incorporated by reference in 24 CFR Part 3280 constitute the code to be applied to new manufactured homes...which are rented, leased or sold or offered for rent, lease or sale in this state.

(2) All new manufactured homes shall be set up or installed according to the manufacturer’s installation instructions.

POSITION: Yes. Brookside failed to correct code violations within a reasonable period of time by failing to correct the following until at least six (6) months after being ordered to do so in writing:

Connect the “pos” system to the top of the furnace or wall;

Strap and place in conduit the A/C wire under the home;

Repair the drywall on the ceiling at the marriage line;

Correctly install the carpet on the marriage line; and

Strap and place in conduit the water pump electric wire under the home.

5. ISSUE: Did Brookside fail to arrange for the proper initial setup of a modular unit sold by Brookside to the East Carter County R-2 School District, in violation of Section 700.100.3(6).

“Setup” is defined by section 700.010(14) as:

the operations performed at the occupancy site which renders a manufactured home or modular unit fit for habitation, which operations include, but are not limited to, moving, blocking, leveling, supporting, and assembling multiple or expandable units.

POSITION: Yes. Brookside failed to ensure that the unit was properly setup in a timely manner by failing to:

Properly slope the site so water will run away from the unit;

Install door piers;

Install anchors at each end of the marriage line;

Strap the drain line every four (4) feet and use proper pipe;

Install the crossover connection properly;

Protect the electrical connections at crossovers in the bottom board;

Strap and place the A/C electrical wire in conduit;

Install the ground wire from frame to frame; and

Run the hot water drip pan outside the unit.

6. ISSUE: Did Brookside engage in conduct in violation of Section 700.045(5) by failing to correct code violations in a modular unit sold by Brookside to the East Carter County R-2 School District within a reasonable period of time, not to exceed 90 days, after being ordered to do so by the Director, in violation of Section 700.100.3(9).

The “code” for modular units adopted by the Commission pursuant to section 700.010(2) is defined in Rule 4 CSR 240-123.080 as the manufacturer’s installation instructions and the International Building Code, the International Plumbing Code, the International Mechanical Code, the International Residential Code, the International Fuel Gas Code, and the National Electric Code.

POSITION: Yes. Brookside failed to correct code violations within a reasonable period of time by failing to correct the following until at least six (6) months after being ordered to do so in writing:

Properly slope the site so water will run away from the unit;

Install door piers;

Install anchors at each end of the marriage line;

Strap the drain line every four (4) feet and use proper pipe;

Install the crossover connection properly;

Protect the electrical connections at crossovers in the bottom board;

Strap and place the A/C electrical wire in conduit;

Install the ground wire from frame to frame; and

Run the hot water drip pan outside the unit.

Respectfully submitted,

/s/ Steven C. Reed

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Director's Position Statement have been delivered by first class mail postage prepaid, and electronic mail, to Bob Bilbrey, Attorney for Brookside Homes, Inc. and via electronic mail to Christina Baker, Office of the Public Counsel, at Christina.Baker@ded.mo.gov on this 4th day of February, 2009.

/s/ Steven C. Reed