

Exhibit No.:

Issue(s): *Licensing and
Installation
Requirements*

Witness: *Justin Smith*

Sponsoring Party: *MoPSC Staff*

Type of Exhibit: *Surrebuttal Testimony*

Case No.: *MC-2020-0135*

Date Testimony Prepared: *May 1, 2020*

MISSOURI PUBLIC SERVICE COMMISSION

INDUSTRY ANALYSIS DIVISION

MANUFACTURED HOUSING DEPARTMENT

SURREBUTTAL TESTIMONY

OF

JUSTIN SMITH

**CHARLES W. BRUNE and ANNA G. BRUNE,
d/b/a BRUNE MOBILE SALES**

CASE NO. MC-2020-0135

*Jefferson City, Missouri
May 2020*

**** Denotes Confidential Information ****

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1 Q. How did you determine that Mr. Brune hired each of these contractors to set the
2 5 homes involved?

3 A. In Mr. Brune's response to Staff data requests which were part of an
4 investigatory docket (MO-2019-0258), Mr. Brune admits that Brune Mobile Sales hired each
5 of the contractors to install the homes. See Appendices 5-C, 8-C, 11-C, 14-C, and 21-C, which
6 are attached to the confidential Progress Report of Staff ("Staff Report") filed October 28, 2019,
7 in File No. MO-2019-0258, and attached hereto as Confidential Schedule JS-s1.

8 Also, Staff asked in a data request, "Why Brune Mobile Sales is listed as the
9 contractor for Debbie Fox on a Residential Modification Permit Application for the city of
10 Perryville, Missouri." Mr. Brune responded, "Company is listed as contractor because
11 Company was installing the home." See Appendix 17-C attached to the Staff Report, and
12 attached hereto as Confidential Schedule JS-s2.

13 Q. Why did you state in your direct testimony that Mr. Brune did not send anyone
14 to your department's training to become a licensed installer, when he says that he did?

15 A. At each training we take attendance and when people register for the class
16 they are able to put the name of the company for which they work. No one who recently
17 attended the installer training classes listed Brune Home Sales as an independent contractor for
18 Mr. Brune. After recently reviewing the list, a Brune independent contractor,
19 ** _____, ** attended a class in April of 2018. While ** _____ ** is identified in
20 the complaint as an independent contractor used by Mr. Brune, ** _____ ** did not install
21 any of the homes involved in this complaint.

1 Q. How do you respond to Mr. Brune's responses in his Rebuttal Testimony to
2 the setup deficiencies and comments about the performance of Inspection Supervisor
3 David Freeman?

4 A. It is true that I have not inspected each of these homes personally, but for each
5 home I had multiple discussions with Mr. Freeman about the quality of the installation.
6 Mr. Freeman has been an inspector with this department for 15 years and thoroughly knows the
7 rules related to setup and installation. If a deficiency was listed on Mr. Freeman's report I am
8 sure the home was not in compliance with the manufacturer's installation instructions and/or
9 the federal minimum installation standards for manufactured homes. When it was first
10 discovered that 5 homes had been sold without being properly reported and were not set up by
11 licensed installers, I asked Mr. Freeman to inspect each of the 5 homes. After each inspection
12 I had a conversation with Mr. Freeman about the quality of the installation, and for each home
13 there were numerous setup deficiencies which made it evident that the homes were not installed
14 properly or by a licensed installer. Mr. Freeman is also filing surrebuttal testimony to more
15 specifically address some of the statements in Mr. Brune's rebuttal testimony.

16 Q. Does this conclude your surrebuttal testimony?

17 A. Yes, it does.

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

| | | |
|---|---|-----------------------|
| The Manager of the Manufactured Homes |) | |
| and Modular Units Program of the Missouri |) | |
| Public Service Commission, |) | Case No. MC-2020-0135 |
| |) | |
| Complainant |) | |
| v. |) | |
| |) | |
| Charles W. Brune and Anna G. Brune |) | |
| d/b/a Brune Mobile Sales, |) | |
| |) | |
| Respondents. |) | |

AFFIDAVIT OF JUSTIN SMITH

| | | |
|-------------------|---|-----|
| STATE OF MISSOURI |) | |
| |) | ss. |
| COUNTY OF COLE |) | |

COME NOW Justin Smith and on his oath declares that he is of sound mind and lawful age; that he contributed to the foregoing Surrebuttal testimony; and that the same is true and correct according to his best knowledge and belief, under penalty of perjury.

Further the Affiants sayeth not.

/s/ Justin Smith
Justin Smith

SCHEDULE JS-s1

HAS BEEN DEEMED

CONFIDENTIAL

IN ITS ENTIRETY

SCHEDULE JS-s2

HAS BEEN DEEMED

CONFIDENTIAL

IN ITS ENTIRETY