

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
December 14, 2001**

CASE NO: MX-2000-435

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

General Counsel
Missouri Public Service Commission
P.O. Box 360
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Enclosed find certified copy of a ORDER OF RULEMAKING in the above-numbered case(s).

Sincerely,

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive, flowing style.

**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

CSR 240-123.040 shall specify the Seismic Zone for which the unit is built as well as the location where the unit will be placed. If a unit is built for open placement throughout the state of Missouri, it must be built to Seismic Zone Three requirements.

(6) Each modular unit shall bear a data plate affixed in a permanent manner near the main electrical panel or other readily accessible and visible location. Each data plate must be covered with a material that will make it possible to clean the data plate of ordinary dirt without obscuring the information. Each data plate shall include the following information at a minimum: name and address of manufacturer, serial and model number of the unit, date the unit was manufactured, code the unit was built to, Seismic Zone listing, name and address of third party engineering agency that reviewed and approved the plans submitted by the manufacturer under 4 CSR 240-123.040.

(7) All modular units manufactured on or after July 1, 1976, shall be set up and installed according to the manufacturer's installation manual.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 124—Manufactured Home Tie-Down Systems

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 240-124.010 Definitions 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 MoReg 1446-1447). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 124—Manufactured Home Tie-Down Systems

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 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 MoReg 1447). Changes have been made in the text of the proposed amendment and are reprinted here. This proposed amendment becomes effective thirty (30) 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. Paragraph (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 subparagraph (2)(E)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 subparagraph (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."

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and
I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 14th day of Dec. 2001.

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

