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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Director of the Division of Manufactured	)	
Homes, Recreational Vehicles and Modular	)	
Units of the Public Service Commission,	)	
	)	
Complainant,	)	
	)	
v.	)	<u>Case No. MC-99-221</u>
	)	
Lake Area Development Co. Inc.	)	
DBA Factory Direct Manufactured Housing,	)	
	)	
Respondent.	)	

ORDER SETTING EARLY PREHEARING CONFERENCE
AND DIRECTING FILING OF PROCEDURAL SCHEDULE

On November 17, 1998, the Director of the Division of Manufactured Homes, Recreational Vehicles and Modular Units of the Missouri Public Service Commission (Director) filed a complaint against Lake Area Development Company, Incorporated (Respondent). On November 24, 1998, a Notice of Complaint was issued to Respondent. On December 23, 1998, Respondent filed an Answer.

The Complaint alleges that Respondent has violated Section 700.100.3(6), RSMo, by failing to properly comply with the setup procedures for a manufactured home that Respondent sold to David and Patti Ferguson. The Director further alleges that Respondent failed to correct the setup deficiencies within a reasonable amount of time as specified by the Director. The Director requests that the Commission suspend the Respondent's Dealer's Registrations for fourteen (14) days. The Director further requests that the Commission

authorize the General Counsel to seek penalties authorized pursuant to Section 700.115.2, RSMo.

Respondent answered by first denying the presence of any setup deficiencies or its responsibility therefor. Secondly, Respondent states that any alleged deficiencies have been corrected or are trivial. Third, Respondent asserts that the Director should be collaterally estopped from presenting further evidence in this case because a representative of the Director testified in a pending civil suit between the Respondent and the Fergusons. Fourth, the Respondent maintains that the Code provisions pertaining to the anchors and base pads of the manufactured home are being incorrectly applied to the Respondent. Finally, the Respondent contends that it is being deprived of equal protection because the instant action denies Respondent the right to a jury trial and access to courts.

An early prehearing conference should be scheduled to afford the parties the opportunity to discuss, define, and possibly resolve the issues presented in this case, or at least to agree on a procedural schedule. The Commission will also set a date for the filing of a proposed procedural schedule in order to ensure that this case progresses.

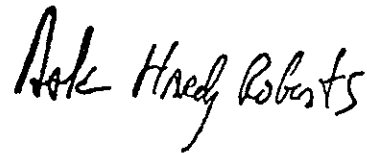
IT IS THEREFORE ORDERED:

1. That a prehearing conference will be held on January 27, 1999 at 10:00 a.m. at the Commission's offices on the fifth floor of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri.

2. That the parties shall file a proposed procedural schedule no later than February 3, 1999. The procedural schedule shall include either dates for the filing of testimony and for a hearing, or a date for the filing of a Stipulation and Agreement.

3. That this order shall become effective on December 29, 1998.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Anji Gandhi, Regulatory Law Judge,
by delegation of authority pursuant
to 4 CSR 240-2.120(1) (November 30,
1995) and Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 29th day of December, 1998.

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COMMISSION COUNCIL
PUBLIC SERVICE COMMISSION