

BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

PRE-HEARING

MAY 2, 2001

Jefferson City, Missouri

Volume 2

Director of the Division of Manufactured )  
Homes, Recreational Vehicles and Modular )Case No.  
Units of the Public Service Commission, )MC-2000-541  
)  
Complainant, )  
)  
v. )  
)  
Rightway Homes, )  
)  
Respondent. )

BEFORE :

BILL HOPKINS, Presiding,  
SENIOR REGULATORY LAW JUDGE.

REPORTED BY:  
TRACY L. THORPE CAVE, CSR  
ASSOCIATED COURT REPORTERS, INC.

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A P P E A R A N C E S

ROBERT K. ANGSTEAD, Attorney at Law  
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FOR: Rightway Homes

BRUCE H. BATES, Associate Counsel  
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FOR: Staff of the Missouri Public Service Commission.

1 JUDGE HOPKINS: This is May 2nd, year 2001.  
2 It is shortly after 10:00 a.m., in Jefferson City, Missouri  
3 Governor Office Building, Case No. MC-2000-541.  
4 I'm Bill Hopkins. Please start over here with  
5 Staff on your appearances.  
6 MR. BATES: Thank you, your Honor. My name is  
7 Bruce H. Bates. I represent the Staff of the Missouri  
8 Public Service Commission. My address is Post Office  
9 Box 360, Jefferson City, Missouri 65102-0360.  
10 JUDGE HOPKINS: Thank you. You, sir.  
11 MR. ANGSTEAD: Thank you. My name's Rob  
12 Angstead. I'm with the law firm of Newman, Comley and Ruth.  
13 I represent Rightway Homes in this proceeding. My address  
14 is P.O. Box 537, Jefferson City, Missouri 65102.  
15 JUDGE HOPKINS: Okay. Thank you.  
16 I don't guess you know what happened to  
17 Mr. Calvert?  
18 MR. ANGSTEAD: He is handling Roger Carnahan's  
19 whole caseload since his death and literally just overlooked  
20 the fact that he was supposed to be here at that hearing.  
21 And that's why I've been retained to help the Murers  
22 (phonetic spelling) get through this.  
23 JUDGE HOPKINS: I don't know that he  
24 overlooked it since Mr. Murer had a letter from him saying  
25 he wasn't going to be here.

1                   MR. ANGSTEAD: Oh, okay. Well, it was my  
2 understanding through my conversations with his secretary  
3 that he scheduled too many things on the same day.

4                   JUDGE HOPKINS: Okay. So has Mr. Calvert  
5 withdrawn?

6                   MR. ANGSTEAD: No. He's not formally  
7 withdrawn. I guess I'm co-counsel with Mr. Calvert.

8                   JUDGE HOPKINS: Okay, sir. That's all I  
9 needed to know. I wanted to make sure we were --

10                  MR. ANGSTEAD: I think it's best we keep  
11 Mr. Calvert on the file, since technically these are still  
12 his clients.

13                  JUDGE HOPKINS: All right. Sir. Thank you.

14                  I don't believe we have any unruled motions,  
15 and the main reason for this prehearing conference is to  
16 determine whether there are any actual issues and  
17 controversies and whether the controversies can be resolved  
18 or settled.

19                  The prehearing order, which was issued  
20 March 6th, 2001 states that an early prehearing conference  
21 should be scheduled to afford the parties the opportunity to  
22 discuss, define and possibly resolve the issues presented in  
23 this case or at least agree on the procedural schedule.

24                  Mr. Bates, tell me, please, sir, what you  
25 think the main issue is here.

1                   MR. BATES: Well, it's Staff's contention that  
2                   the Respondent has failed to correct certain set-up  
3                   deficiencies in the home in question.

4                   JUDGE HOPKINS: All right.

5                   MR. BATES: This is the basic issue in the  
6                   case.

7                   JUDGE HOPKINS: All right. And you agree,  
8                   disagree?

9                   MR. ANGSTEAD: My clients acknowledge that  
10                  some deficiencies exist. What's complicating the situation  
11                  is the fact that the original purchaser of the home  
12                  defaulted on his loan and the bank repossessed it, owned it  
13                  for a short period of time and now has resold it to a  
14                  different person who, No. 1, doesn't know anything about the  
15                  deficiencies; and No. 2, thinks that the house is just fine  
16                  and doesn't really want anybody in there working on their  
17                  house.

18                  JUDGE HOPKINS: Okay. We would expect this  
19                  could be settled, but if we can't, I need to have a --  
20                  May 9th date will be the procedural schedule. That should  
21                  be filed then. I'm going to keep that date.

22                  If there's a severe problem with doing that, I  
23                  would be amenable to looking at a motion for continuance on  
24                  that because of the fact of Mr. Murer having difficulty with  
25                  his attorney. And I know Mr. Calvert had a bunch of cases

1       that he had to take over.

2                       When we do have that procedural schedule  
3       filed, this is not going to be a part of it right now, but  
4       we're encouraging parties to submit suggested findings of  
5       fact and conclusions of law with me when you file your  
6       statement of position. And if you would submit those, if  
7       you do decide to submit those findings of fact and  
8       conclusions of law, they should be submitted in both paper  
9       form and electronically.

10                      I believe that's all I have. I will be here  
11       all day. If either one of you all have any questions,  
12       please feel free to contact me. I appreciate it. Thank  
13       you. We're off the record.

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