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**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office
in Jefferson City on the 13th
day of November, 1997.

Director of the Division of Manufactured)	
Homes, Recreational Vehicles and Modular)	
Units of the Public Service Commission,)	
)	
Complainant,)	
)	
v.)	<u>Case No. MC-98-92</u>
)	
Discount Manufactured Housing, Inc.,)	
)	
Respondent.)	
)	

**ORDER GRANTING PARTICIPATION, DENYING REQUEST FOR DISMISSAL
OF COMPLAINT, AND ORDERING PROCEDURAL SCHEDULE**

This Complaint was filed by the Director of the Division of Manufactured Homes, Recreational Vehicles and Modular Units of the Public Service Commission (Staff) on August 26, 1997. The Complaint alleges in two separate counts that Discount Manufactured Housing, Inc. (Discount), violated the provisions of Section 700.100.3(6), RSMo 1994, by failing to arrange for the proper initial setup of a manufactured home sold in Missouri without first obtaining a written waiver of that service from the purchaser and deducting an amount equal to the actual cost of setup from the total cost of the manufactured home.

On October 2, Discount filed its Answer to the Complaint. Discount denied violating Section 700.100.3 (6), stating that a waiver had been signed by the purchasers at the time of the sale of the manufactured

home. Discount also included a prayer for dismissal of each of the counts of the Complaint.

On October 21, the Missouri Manufactured Housing Association (MMHA) filed a Request for Participation Without Intervention pursuant to 4 CSR 240-2.075(5). MMHA stated that it is a trade organization comprised of almost six hundred members representing all aspects of the manufactured housing industry in Missouri, including retailing. MMHA stated the manufactured housing retailers in Missouri have historically interpreted the waiver and deduction provisions of Section 700.100.3(6) differently than the interpretation offered by Staff in the Complaint. As this Complaint presents a policy issue affecting many manufactured housing retailers across the state, MMHA requested the opportunity to participate without intervention.

The Commission has reviewed MMHA's request and finds it is in substantial compliance with Commission rules regarding participation without intervention and that MMHA has an interest in this matter which is different from that of the general public. The Commission concludes that this request for participation should be granted. However, the Commission will limit MMHA's participation to making an opening statement and filing briefs.

The Commission finds Discount's assertion that Counts I and II of the Complaint should be dismissed fails to offer legal justification for such action. Accordingly, Discount's prayer for dismissal of Counts I and II will be denied and the Commission will order the parties to file a suggested procedural schedule for the proper litigation of this matter no later than November 24, 1997.

IT IS THEREFORE ORDERED:

1. That the Missouri Manufactured Housing Association is granted participation without intervention in this case, subject to the limitations set out above, in accordance with 4 CSR 240-2.075(5).

2. That Discount Manufactured Housing, Inc.'s request for dismissal of Count I of the Complaint is denied.

3. That Discount Manufactured Housing, Inc.'s request for dismissal of Count II of the Complaint is denied.

4. That the parties shall file a suggested procedural schedule for the hearing of this matter no later than November 24, 1997.

5. That this order shall become effective on November 13, 1997.

BY THE COMMISSION



**Cecil I. Wright
Executive Secretary**

(S E A L)

Lumpe, Ch., Crumpton, Drainer
and Murray, CC., concur.

Hennessey, Regulatory Law Judge