

LAW OFFICES

# CARSON & COIL, P.C.

515 East High Street, P.O. Box 28  
Jefferson City, MO 65102

573-636-2177  
Fax No. 573-636-7119

Michael P. Riley  
Ronald R. McMillin  
Eugene G. Bushmann  
James W. Gallaher  
Lori J. Levine  
Rudolph L. Veit  
R. Max Humphreys  
Mark A. Ludwig

Dana Reese  
Edward C. Clausen  
Carla G. Holste  
Kent L. Brown  
Douglas W. Hennon  
Charles J. McPheeters  
Paul Graham

Jack C. Hauser, Jr.  
Charles A. "Chip" Gentry  
James W. Gallaher, Jr.

Forrest P. Carson	1910-1981
Cullen Coil	1907-1989

February 22, 2000

Mr. Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102

**Re: Case No. MC2000-397**

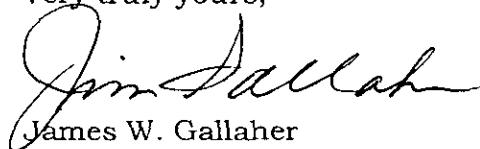
Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and fourteen (14) conformed copies of Respondent's **MOTION TO SUPPLEMENT ANSWER OR FILE ANSWER TO COMPLAINT OUT OF TIME**.

This filing has been mailed or hand delivered this date to all counsel of record.

Thank you for your attention to this matter.

Very truly yours,

  
James W. Gallaher

JWG:bl

Enclosures

FILED<sup>2</sup>

FEB 22 2000

Missouri Public  
Service Commission

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED<sup>2</sup>

FEB 22 2000

Missouri Public  
Service Commission

Director of the Department of  
Manufactured Homes and Modular Units  
of the Public Service Commission,

Complaint,

v.

Rock Road Trailer Parts and Sales, Inc.,

Respondent.

Case No. MC-2000-397

ANSWER

COMES NOW Respondent, by and through its attorney, James W. Gallaher, and for its answer to the Director's Complaint states as follows:

1. Respondent admits the allegations contained in paragraph 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16.
2. Respondent denies that it properly failed to comply with setup procedures or failed to correct setup deficiencies within a reasonable time as specified by the Director.
3. Respondent denies that the home sold to Mrs. Piccininno was sold in violation of the Code in that the home is a pre-owned manufactured home that by reason of normal wear and tear cannot be held to compliance with the same code as a new manufactured home. Further, the home was sold in an "as is" condition, pursuant to the parties contract. The Director does not have standing or jurisdiction to file a Complaint with respect to a pre-owned home.

WHEREFORE, the Respondent respectfully requests that the Commission:

a. Make a finding that the Director does not have jurisdiction or standing to bring the Complaint in that the home in question is a pre-owned manufactured home and therefore the Complaint should be dismissed.

In the event the Commission finds that the Director has standing and jurisdiction to proceed in this matter, Respondent makes the following answer in the alternative:

b. Find that Respondent properly complied with setup procedures for the manufactured home mentioned in the Complaint and that any deficiencies existing after the initial setup were not due to failure to properly comply with setup procedures;

c. That the manufactured home mentioned in the complaint was sold in compliance with the Code or in the alternative is not required to be sold in compliance with the Code and that neither the Commission nor Director have jurisdiction or standing in this case.

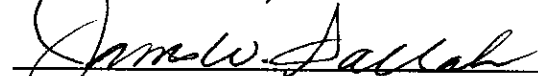
d. Find that Respondent's dealer registration license is not subject to revocation;

e. Find that there is no ground from which the Office of General Counsel can seek civil penalties from Respondent pursuant to Section 700.115.2, RSMo, 1994; and

e. To issue other findings and orders as are just and reasonable.

Respectfully submitted,

**CARSON & COIL, P. C.**



James W. Gallaher #22085

515 East High Street

P. O. Box 28

Jefferson City, Missouri 65102

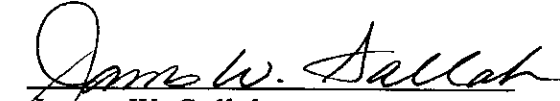
Telephone: (573) 636-2177

Facsimile: (573) 636-7119

**ATTORNEY FOR RESPONDENT**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing was mailed, postage prepaid, this 22nd day of February, 2000, to: David J. Stueven, Asst. General Counsel, MO Public Service Commission, P. O. Box 360, Jefferson City, MO 65102.

  
James W. Gallaher