

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

The Manager of the Manufactured Homes and Modular Units Program of the Missouri Public Service Commission,)	
)	
Complainant,)	
)	
v.)	<u>File No.: MC-2020-0135</u>
)	
Charles W. Brune and Anna G. Brune d/b/a Brune Mobile Sales,)	
)	
Respondents)	

**EXPEDITED ORDER DIRECTING FILING
AND RESCHEDULING SETTLEMENT CONFERENCE**

Issue Date: May 11, 2020

Effective Date: May 11, 2020

On February 6, 2020,¹ the parties filed a Joint Proposed Procedural Schedule. On February 21, the Commission issued an Order Adopting Procedural Schedule. This order provided the Complainant (Manager) would file its direct testimony by April 3, Respondents (Brunes) would file their rebuttal testimony by April 17, and the Manager would file its surrebuttal testimony by May 1. The parties subsequently filed their testimony per the order. On May 7, the Brunes filed a Motion to Reschedule Settlement Conference, and the Manager filed an Expedited Request for Prehearing Conference. The motion to reschedule asks that the settlement conference scheduled for May 7 be rescheduled to May 13. The Expedited Request asks for an expedited prehearing

¹ All further date references will be to 2020.

conference, at the Commission's earliest convenience, to determine how "to receive live testimony from two or three witnesses [who] did not submit prefiled testimony."

The Manager's Expedited Request states its Complaint stems from the Brune's failure to use licensed installers and arrange the proper setup of five manufactured homes. The Manager alleges that although the Brunnes "purportedly" obtained five waivers of installation service to install the homes, the Brunnes then hired unlicensed contractors to install them. The Manager states that the Brune's rebuttal testimony is that "[e]ach homeowner wanted to be responsible for setting up their own home" and that "[e]ach step of installation was either performed by the homeowners themselves or under their direction and supervision." The Manager states it wants to present live testimony of two or three homeowners to rebut the Brune's testimony and that the proposed testimony "was not developed until after the due date for rebuttal testimony." The Manager requests an expedited prehearing conference to determine how the proposed testimony may be received.

The settlement conference involves only the parties without participation by the Commission. The Commission will grant the Brune's motion to reschedule the settlement conference. The Commission finds, however, that the Manager's Expedited Request assumes that the current Order Adopting Procedural Schedule allows the Manager to present the proposed testimony. For that reason, a prehearing conference at this time would be premature. The Commission will overrule the Manager's Expedited Request for Prehearing Conference as premature, will order the parties to file suggestions addressing whether the current procedural schedule allows the proposed testimony, and will set a deadline for any motions regarding the procedural order.

THE COMMISSION ORDERS THAT:

1. The Brune's Motion to Reschedule Settlement Conference is granted. The settlement conference shall occur on May 13, 2020, at a time mutually agreed to by the parties.
2. The Manager's Expedited Request for Prehearing Conference is overruled as premature.
3. No later than May 14, 2020, the parties shall file suggestions addressing whether the current Order Adopting Procedural Schedule allows the Manager to present testimony as described in the body of this order.
4. Any party may file a motion to amend the Order Adopting Procedural Schedule, but any such motion shall be filed no later than May 14, 2020.
5. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Paul T. Graham, Regulatory Law Judge,
By delegation of authority pursuant
To Section 388.240, RSMo 2016.

Dated at Jefferson City, Missouri,
On the 11th day of May, 2020

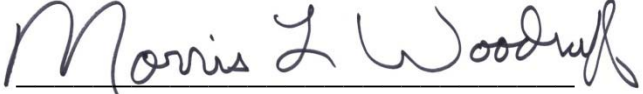
STATE OF MISSOURI

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 11th day of May 2020.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

May 11, 2020

File/Case No. MC-2020-0135

**Missouri Public Service
Commission**

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Commission**

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Morris L. Woodruff
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.