

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 8th day of
August, 2006.

Manager of the Manufactured Housing and Modular Units Program of the Public Service Commission,)	
)	
)	
)	
Complainant,)	
)	
v.)	
)	
Four Seasons Manufacturing, Inc.,)	
d/b/a Four Seasons Housing,)	
)	
Respondent.)	

Case No. MC-2006-0388

ORDER APPROVING STIPULATED AGREEMENT

Issue Date: August 8, 2006

Effective Date: August 18, 2006

Syllabus: This order approves the Stipulated Agreement filed by the parties and directs the parties to comply with its terms.

Procedural History

On April 7, 2006, the Director of the Manufactured Housing and Modular Units Program of the Public Service Commission filed a complaint. The Director claimed that Four Seasons Manufacturing, Inc.: 1) offered for sale a new modular unit home in Missouri without the required Missouri "Seal" as is required under Section 700.015(4), RSMo 2000 and Commission Rule 4 CSR 240-123.030(1); 2) failed to affix a manufacturer "Data Plate" to a new modular unit home; and, failed to list, on a copy of the manufacturer "Data Plate"

sent to the Commission, the codes to which the home in question was built as is required by Commission Rule 4 CSR 240-123.080(6); and 3) shipped the home in question into Missouri without current approval from the Commission for that modular unit in violation of 4 CSR 240-123.040(11). The Director asked the Commission to not allow Four Seasons to renew its Manufacturer Registration until such time as all deficiencies are corrected and authorize the Commission's General Counsel to seek civil penalties in circuit court pursuant to Section 700.115(2), RSMo 2000.

Stipulated Agreement

On July 14, 2006, The Director of the Manufactured Housing and Modular Units Program of the Missouri Public Service Commission and Four Seasons Manufacturing, Inc., filed a Stipulated Agreement for the Commission's approval as a resolution of the issues in this case. On July 18, 2006, the Commission set July 25, 2006, as the deadline to object to the Stipulated Agreement. No objections were filed.

If no party objects to a stipulated agreement, the Commission may treat the stipulated agreement as unanimous.¹ Because all parties have either signed the Stipulated Agreement filed on July 14, 2006, or not opposed the agreement, the Commission will treat the Stipulated Agreement as unanimous.

The Stipulated Agreement provides as follows:

- 1) The Director agrees to move to dismiss this case;
- 2) Four Seasons agrees to pay a \$3,000 penalty, payable to the public school fund of the state, within 10 days of the Commission's approval of the agreement;

¹ 4 CSR 240-2.115(2)(C).

- 3) Four Seasons agrees to implement a quality control procedure approved by the Director. That quality control procedure will include:
 - (a) The steps that Four Seasons will take to renew its model plans annually and on time as required by the Commission rules.
 - (b) A detailed description of the process by which Four Seasons' Quality Control section will conduct inspections of its homes, and how these inspections will ensure that each home contains the proper Missouri Seal and Data Plate affixed to it before being shipped to Missouri.
 - (c) The job titles and positions of each manager, supervisor, and inspector charged by Four Seasons with the responsibility of conducting these inspections.
 - (d) A description of all functions or activities of Four Seasons and any third party so involved and how these functions/activities are divided.
 - (e) The signature and date of approval of the appropriate manager or supervisor of Four Seasons and its third party.

Section 536.060, RSMo 2000, and Commission Rule 4 CSR 240-2.115(1) state that the Commission may accept a stipulated agreement to resolve this case. The Commission has reviewed the Stipulated Agreement and finds it to be reasonable. The Commission determines that the Stipulated Agreement should be approved.

IT IS ORDERED THAT:

1. The Stipulated Agreement filed on July 14, 2006, is approved as a resolution of the issues in this case. A copy of the Stipulated Agreement is attached as Attachment A and incorporated as part of this order.
2. Four Seasons Manufacturing, Inc., and the Director of the Manufactured Housing and Modular Units Program of the Missouri Public Service Commission are ordered to comply with the terms of the Stipulated Agreement.

3. This order shall become effective on August 18, 2006.
4. This case may be closed on August 19, 2006.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Davis, Chm., Murray, Gaw, Clayton,
and Appling, CC., concur.

Voss, Regulatory Law Judge