

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

In the Matter of Proposed Commission Rules)	Case No.'s
4 CSR 240-125.010,)	MX-2005-0202
4CSR 240-125.020,)	MX-2005-0201
4 CSR 240-125.030,)	MX-2005-0198
4CSR 240-125.040,)	MX-2005-0200
4CSR 240-125.050,)	MX-2005-0196
4CSR 240-125.060, and)	MX-2005-0197
4CSR 240-125.070)	MX-2005-0199

FISCAL NOTE REVIEW MEMORANDUM

COMES NOW the Manager of the Manufactured Housing & Modular Units Program of the Missouri Public Service Commission, by and through counsel, and states:

1. In the Memorandum attached as Appendix A, the Manager of the Manufactured Housing & Modular Units Program conducted a review of the fiscal estimates from the rules adopted in the above-listed rulemaking cases, and has determined that no fiscal estimate changes need to be filed with the Secretary of State.

2. The proposed rules 4 CSR 240-125.010, 4 CSR 240-125.020, 4 CSR 240-125.030, 4 CSR 240-125.040, 4 CSR 240-125.050, 4 CSR 240-125.060, and 4 CSR 240-125.070 adopted in the above-listed cases, established the guidelines and the procedures for the implementation of SB 1096 and the 2000 Federal Act. These original rules, filed with the Secretary of State on January 14, 2005, in accordance with 700.692 RSMo 2004, became effective on June 30, 2005.

3. Section 536.200.2 RSMo. (2000) requires agencies to make a filing with the Secretary of State if, after the first full year after implementation, the cost of the rule exceeds the

agency estimate. The first full fiscal year after the rules became effective was the fiscal year beginning July 1, 2005 and ending June 30, 2006.

WHEREFORE, the Manager of the Manufactured Housing & Modular Units Program respectfully submits the attached Memorandum wherein he states his conclusion that no fiscal estimate changes need to be filed with the Secretary of State for rules 4 CSR 240-125.010, 4 CSR 240-125.020, 4 CSR 240-125.030, 4 CSR 240-125.040, 4 CSR 240-125.050, 4 CSR 240-125.060, and 4 CSR 240-125.070.

Respectfully submitted,

/s/ Robert S. Berlin

Robert S. Berlin
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Missouri Bar No. 51709

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or emailed to all counsel of record this 10th day of August 2006.

/s/ Robert S. Berlin

MEMORANDUM

To: Public Service Commission Official Case File
Case No.: MX-2005-0202, MX-2005-0201, MX-2005-0198, MX-2005-0200,
MX-2005-0196, MX-2005-0197, MX-2005-0199

From: Ron Pleus – Manufactured Housing Department

Subject: Rulemaking Analysis Review

Date: August 1, 2006

The Secretary of State published Commission Final Orders of Rule Making for 4 CSR 240-125.010 (MX-2005-0202), 4 CSR 240-125.020 (MX-2005-0201), 4 CSR 240-125.030 (MX-2005-0198), 4 CSR 240-125.040 (MX-2005-0200), 4 CSR 240-125.050 (MX-2005-0196), 4 CSR 240-125.060 (MX-2005-0197) and 4 CSR 240-125.070 (MX-2005-0199) which were necessary to complete the implementation of SB 1096 passed during the 2004 legislative session. SB 1096 gave the Commission the authority to implement the requirements of the 2000 Federal Manufactured Housing Improvement Act. These rules established the guidelines and the procedures for the implementation of SB 1096 and the 2000 Federal Act. A committee of 5 Industry representatives including the Missouri Manufactured Housing Association and the Commission staff were involved with the drafting of these rules. These rules were the subject of the Case No's. listed above. Each of these rules became effective June 30, 2005.

Section 536.200.2 RSMo 2000 requires agencies to make a filing with the SOS if, after the first full fiscal year after implementation, the cost of the rule exceeds the agency estimates. The Commission's General Procedure 1 (GP-1) requires a Staff investigation of the fiscal impact thirty days prior to end of first full fiscal year. According to GP-1, Staff is to prepare a memorandum within thirty days after the end of the first full fiscal year addressing whether the cost to all affected entities, including the Commission, has exceeded 10% of the estimated cost (or, where appropriate, \$500) reflected in the fiscal note. If costs are more than 10% or \$500, the General Counsel prepares a filing for action by the Commission.

This memorandum advises the Commission that Staff has not discovered any information that would show the cost estimates associated with each rule listed above were not accurate. Additionally, Staff has reviewed these rules with the industry for input on the fiscal review. Staff has not received any information from any party potentially or actually affected by the implementation of these rules that would indicate the public or private cost estimates as published in the *Missouri Register* were not accurate.

Since the Staff's investigation indicates the published cost estimates related to the implementation of 4 CSR 240-125.010, 4 CSR 240-125.020, 4 CSR 240-125.030 and 4 CSR 240-125.040, 4 CSR 240-125.050, 4 CSR 240-125.060 and 4 CSR 240-125.070 have not been exceeded, no *Missouri Register* publication for any of these rules is required under Section 536.200.2.

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

In the Matter of Proposed Commission)	Case No. MX-2005-0202
Rules 4 CSR 240-125.010, 4 CSR 240-)	MX-2005-0201
125.020, 4 CSR 240-125.030, 4 CSR 240-)	MX-2005-0198
125.040, 4 CSR 240-125.050, 4 CSR 240-)	MX2005-0200
125.060 and 4 CSR 240-125.070)	MX-2005-0196
)	MX-2005-0197
)	MX-2005-0199

AFFIDAVIT OF RON PLEUS

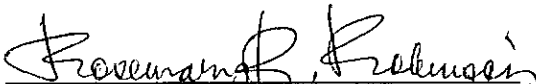
STATE OF MISSOURI)
) ss
COUNTY OF COLE)

I, Ron Pleus, Manager of the Manufactured Housing & Modular Units Program of the Missouri Public Service Commission, being of lawful and after being duly sworn, state that I have participated in the preparation of the accompanying Rulemaking Fiscal Analysis Review Memorandum, and that the facts therein are true and correct to the best of my knowledge and belief.



Ron Pleus

Subscribed and sworn to before me this 10th day of August, 2006.



Notary Public

My commission expires 9-23-2008

