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April 30, 2003

ROBERT J. QUINN, JR.
Executive Director

WESS A. HENDERSON
Director, Utility Operations

ROBERT SCHALLENBERG
Director, Utility Services

DONNA M. PRENGER
Director, Administration

DALE HARDY ROBERTS
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE
General Counsel

Honorable Matt Blunt
Secretary of State
600 West Main Street
Jefferson City, Missouri 65101

ATTENTION: Administrative Rules Division

I do hereby certify that the attached are accurate and complete copies of the Proposed Rule lawfully submitted by the Missouri Public Service Commission for filing this 30th day of April 2003, and that a takings analysis and small business impact analysis have occurred.

Rule: 4 CSR 240-123.095	Inspection Fee
4 CSR 240-120.085	Inspection Fee
4 CSR 240-121.065	Inspection Fee

Statutory authority: 700.040 and 700.115, RSMo (2000)

Missouri Public Service Commission Case No.: MX-2003-0187

If there are any questions, please contact: Bruce H. Bates, Associate General Counsel
Missouri Public Service Commission
200 Madison St.
Post Office Box 360
Jefferson City, Missouri 65102
(573) 751-7434

BY THE COMMISSION


Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

Enclosures:

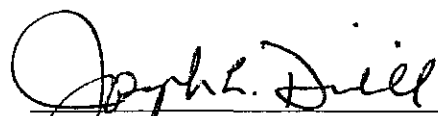
Informed Consumers. Quality Utility Services, and a Dedicated Organization for Missourians in the 21st Century

Proposed Rules 4 CSR 240-123.095 (Inspection Fee), 120.085 (Inspection Fee), and 121.065 (Inspections) (hard copy and electronic copy on diskette), and Rule Transmittal, Takings Analysis.

AFFIDAVIT

STATE OF MISSOURI }
COUNTY OF COLE }

I, Joseph L. Driskill, Director of the Department of Economic Development, first being duly sworn on my oath state that it is my opinion that the attached fiscal note for *Proposed Rule -- 4 CSR 240-120.085 - Inspection Fee*, is a reasonably accurate estimate.



Joseph L. Driskill

Director

Department of Economic Development

Subscribed and sworn to before me this 17th day of April, 2003. I am commissioned as a notary public within the County of Callaway, State of Missouri, and my commission expires on September 21, 2004.


NOTARY PUBLIC

JULIE A ATCHISON
NOTARY PUBLIC STATE OF MISSOURI
CALLAWAY COUNTY
MY COMMISSION EXP. SEPT. 21, 2004

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 120—New Manufactured Homes

RECEIVED

MAY 01 2003

PROPOSED RULE

SECRETARY OF STATE
ADMINISTRATIVE RULES

4 CSR 240-120.085 Inspection Fee

PURPOSE: The purpose of this rule is to outline the procedure and establish the fee to be charged by the Commission for the inspection of manufactured homes as a result of inspection requests received pursuant to section 700.040 RSMo.

- (1) The commission shall charge each manufacturer and each dealer as defined in Chapter 700 RSMo., an inspection fee for all complaints or requests for inspections received from homeowners.
- (2) The fee shall be paid equally by the manufacturer of the home and the dealer who sold the home to the consumer.
- (3) The homeowner must complete a consumer inspection form as provided by the commission describing the homeowner's concerns.
- (4) The director shall schedule an inspection within thirty (30) days from the date the consumer inspection form is received.
- (5) The inspection will address all concerns listed in the consumer inspection form. Any other deficiencies or defects identified during the inspection will also be forwarded to the manufacturer and/or dealer for corrective action.
- (6) The manufacturer and the dealer will be sent a copy of the inspection report within ten (10) working days from the date of the inspection.
- (7) Each manufacturer and each dealer must submit, along with the assessed fee, a written plan of action to be taken by each to correct any statutory, rule or code violations identified by the commission within thirty (30) working days from the date of the inspection. To avoid further action by the commission, corrections must be made by the manufacturer and/or dealer within fifty (50) working days from the date of the inspection.
- (8) If recommended by the director, the commission may waive the fee for either the dealer or the manufacturer or both, if it is found during an inspection that there is neither any material defect, nor material violation of Chapter 700, nor any material violation of Part 3280 of the Manufactured Home Construction and Safety Standards Code.
- (9) The fee shall be implemented upon the date of the rule on all inspections conducted after the effective date of the rule.
- (10) The commission will send written notification to each licensed manufacturer and each licensed dealer giving the date the fee is to be implemented.
- (11) The fee shall be two hundred dollars (\$200) per inspection for both the manufacturer and the dealer, totaling four hundred dollars (\$400). The fee shall be submitted on a form provided by the commission. There shall be no re-inspection fee charged by the commission if the identified deficiencies have been corrected.
- (12) Re-inspections reflecting corrections have not been made or that material deficiencies still exist, as determined by the director, may result in an additional fee to be paid by the manufacturer or dealer responsible for making the corrections. Said re-inspection fee shall not exceed two hundred dollars (\$200) per inspection for the manufacturer and/or the dealer.

(13) The commission shall assess an inspection fee of \$400 for all third party requests for inspections. Third party requests for inspections must be submitted in writing to the Commission and the inspection fee must accompany the request.

(14) The following situations shall constitute grounds for the denial, suspension, revocation, or placing on probation of a manufacturer or dealer certificate of registration:

(A) Failure to pay the inspection fees within ten (10) days of their prescribed due date.

(B) Failure to pay the fee by the prescribed due date for two (2) consecutive months.

(C) Failure to pay the fee by the prescribed due date for any four (4) of the preceding twelve (12) months.

AUTHORITY: section 700.040, RSMo Supp. 2000. Original rule filed _____, 2003, effective _____, 2003.

PUBLIC ENTITY COST: This proposed rule will not cost state agencies or political subdivision more than \$500.00 in the aggregate.

PRIVATE ENTITY COST: This proposed rule is estimated to cost private entities approximately \$75,000 annually for the life of the rule.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Public Service Commission, Dale Hardy Roberts, Secretary, P.O. Box 360, Jefferson City, Missouri 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4

Division: 240 Public Service Commission

Chapter: 120 New Manufactured Homes

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 240-120.085 Inspection Fee

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classifications by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities
There are approximately 360 active manufacturers and dealers.	Manufactured Housing Manufacturers and Dealers	\$75,000 in the first year and a similar amount in succeeding years.

III. WORKSHEET

1. Fiscal Year 2002 dollars were used to estimate costs. No adjustment for inflation has been applied.
2. 150 inspections @ \$400 per inspection = \$60,000. 75 re-inspections @ \$200 per re-inspection = \$15,000.

IV. ASSUMPTIONS

1. The Missouri Public Service Commission (MoPSC) will inspect manufactured homes to assure compliance with this rule.
2. This estimate is made for this rule on a stand-alone basis.
3. Affected entities are assumed to be in compliance with all other MoPSC rules and regulations.
4. FY 2002 reflects approximately 150 inspections and 150 re-inspections were conducted on manufactured homes. We anticipate with the implementation of this rule the number of re-inspections will decrease by 50% and will only apply to one party.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**Division 240—Public Service Commission
Chapter 40—Gas Utilities and Gas Safety Standards****PROPOSED RULE****4 CSR 240-40.018 Natural Gas Price Volatility Mitigation**

PURPOSE: This rule represents a statement of commission policy that natural gas local distribution companies should undertake diversified natural gas purchasing activities as part of a prudent effort to mitigate upward natural gas price volatility and secure adequate natural gas supplies for their customers.

(1) Natural Gas Supply Planning Efforts to Ensure Price Stability.

(A) As part of a prudent planning effort to secure adequate natural gas supplies for their customers, natural gas utilities should structure their portfolios of contracts with various supply and pricing provisions in an effort to mitigate upward natural gas price spikes, and provide a level of stability of delivered natural gas prices.

(B) In making this planning effort, natural gas utilities should consider the use of a broad array of pricing structures, mechanisms, and instruments, including, but not limited to, those items described in (2)(A) through (2)(G), to balance market price risks, benefits, and price stability. Each of these mechanisms may be desirable in certain circumstances, but each has unique risks and costs that require evaluation by the natural gas utility in each circumstance.

(C) Part of a natural gas utility's balanced portfolio may be higher than spot market price at times, and this is recognized as a possible result of prudent efforts to dampen upward volatility.

(2) Pricing Structures, Mechanisms and Instruments.

- (A) Natural Gas Storage;
- (B) Fixed Price Contracts;
- (C) Call Options;
- (D) Collars;
- (E) Outsourcing/Agency Agreements;
- (F) Futures Contracts; and
- (G) Other tools utilized in the market for cost-effective management of price and/or usage volatility.

AUTHORITY: sections 386.250, RSMo 2000 and 393.130, RSMo Supp. 2002. Original rule filed May 1, 2003.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before July 3, 2003, and should include a reference to Commission Case No. GX-2002-478. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for July 10, 2003, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with spe-

cial needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**Division 240—Public Service Commission
Chapter 120—New Manufactured Homes****PROPOSED RULE****4 CSR 240-120.085 Inspection Fee**

PURPOSE: This rule outlines the procedure and establishes the fee to be charged by the commission for the inspection of manufactured homes as a result of inspection requests received pursuant to section 700.040, RSMo.

(1) The commission shall charge each manufacturer and each dealer as defined in Chapter 700, RSMo, an inspection fee for all complaints or requests for inspections received from homeowners.

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(4) The director shall schedule an inspection within thirty (30) days from the date the consumer inspection form is received.

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(7) Each manufacturer and each dealer must submit, along with the assessed fee, a written plan of action to be taken by each to correct any statutory, rule or code violations identified by the commission within thirty (30) working days from the date of the inspection. To avoid further action by the commission, corrections must be made by the manufacturer and/or dealer within fifty (50) working days from the date of the inspection.

(8) If recommended by the director, the commission may waive the fee for either the dealer or the manufacturer or both, if it is found during an inspection that there is neither any material defect, nor material violation of Chapter 700, RSMo, nor any material violation of Part 3280 of the Manufactured Home Construction and Safety Standards Code.

(9) The fee shall be implemented upon the date of the rule on all inspections conducted after the effective date of the rule.

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(B) Failure to pay the fee by the prescribed due date for two (2) consecutive months; or

(C) Failure to pay the fee by the prescribed due date for any four (4) of the preceding twelve (12) months.

AUTHORITY: section 700.040, RSMo 2000. Original rule filed May 1, 2003.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule is estimated to cost private entities approximately seventy-five thousand dollars (\$75,000) annually for the life of the rule.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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