



Commissioners
KELVIN L. SIMMONS
Chair
CONNIE MURRAY
SHEILA LUMPE
STEVE GAW
BRYAN FOREIS

Missouri Public Service Commission

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April 30, 2003

ROBERT J. QUINN, JR.
Executive Director
WESS L. 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:

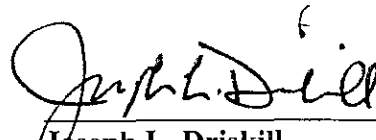
Informed Consumers, Quality Utility Services, and a Dedicated Organization for Missourians in the 21st Century

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 the *Proposed Rule to 4 CSR 240-121.065 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 121--Pre-owned [Mobile] Manufactured Homes

PROPOSED RULE

RECEIVED

MAY 01 2003

SECRETARY OF STATE
ADMINISTRATIVE RULES

4 CSR 240-121.065 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 Pre-Owned Manufactured Homes as a result of inspection requests received pursuant to section 700.040 RSMo.

- (1) The Commission shall charge the manufacturer as defined in Chapter 700 RSMo., an inspection fee for all complaints or requests for inspections received.
- (2) The fee shall be paid by the manufacturer of the home.
- (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 inspection form. Any other deficiencies or defects identified during the inspection will also be forwarded to the manufacturer.
- (6) The manufacturer will be sent a copy of the inspection report within ten (10) working days from the date of the inspection.
- (7) Each manufacturer must submit, along with the assessed fee, a written plan of action to be taken 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 within fifty (50) working days from the date of the inspection.
- (8) The Commission may waive the fee for the manufacturer, if it is determined during the inspection that there were no material defects or violations of Chapter 700, the rules or the code as determined by the Director.
- (9) The fee shall be implemented upon the effective date of the rule on all inspections conducted after said date.
- (10) The Commission will send written notification to each licensed manufacturer giving the date the fee is to be implemented.
- (11) The fee shall be \$400 per inspection to be paid by the manufacturer. The fee shall be submitted with a form provided by the Commission.
- (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. Said re-inspection fee shall not exceed \$400 per inspection.
- (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 be paid prior to the inspection.
- (14) The following situations shall constitute grounds for the denial, suspension, revocation, or placing on probation of a manufacturers certificate of registration:
 - (A) Failure to pay fees within ten (10) days of their prescribed due date.
 - (B) Failure to pay fees by the prescribed due date for two consecutive months.

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

AUTHORITY: sections 700.040, 700.115 RSMo Supp. 2000.

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 \$2,000.00 in the aggregate.

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: 121 Pre-Owned Manufactured Homes

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 240-121.065 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 90 active manufacturers.	Manufactured Housing Manufacturers	\$2,000 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. 5 inspections @ \$400 per inspection = \$2,000.

IV. ASSUMPTIONS

1. The Missouri Public Service Commission (MoPSC) will inspect pre-owned 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 5 inspections were conducted on pre-owned manufactured homes.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 121—Pre-Owned Manufactured Homes**

PROPOSED RULE

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(8) The commission may waive the fee for the manufacturer, if it is determined during the inspection that there were no material defects or violations of Chapter 700, RSMo, the rules or the code as determined by the director.

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

(10) The commission will send written notification to each licensed manufacturer giving the date the fee is to be implemented.

(11) The fee shall be four hundred dollars (\$400) per inspection to be paid by the manufacturer. The fee shall be submitted with a form provided by the commission.

(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. Said re-inspection fee shall not exceed four hundred dollars (\$400) per inspection.

(13) The commission shall assess an inspection fee of four hundred dollars (\$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 be paid prior to the inspection.

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

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

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

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

AUTHORITY: sections 700.040 and 700.115, 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 two thousand dollars (\$2,000) annually in the aggregate.

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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PRIVATE ENTITY COST****I. RULE NUMBER**

Title: _____ 4 _____

Division: _____ 240 Public Service Commission _____

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