

CS
DS

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 25th
day of May, 2000.

In the Matter of a Proposed Amendment to)
Rule 4 CSR 240-124.045 - Anchoring)
Standards.) Case No. MX-2000-449

ORDER FINDING NECESSITY FOR RULEMAKING

On January 18, 2000, the Director of the Department of
Manufactured Homes and Modular Units of the Missouri Public Service
Commission (Director) filed a motion asking that the Commission open a
case to consider the adoption of a new rule to implement anchoring
standards. On May 18, 2000, the Director filed a Motion for Finding of
Necessity for Rulemaking with a memorandum attached in support of its
motion.

The Director proposes that a new rule, 4 CSR 240-124.045, be
adopted to create anchoring standards to implement standardized anchoring
procedures. The Director indicates that standardized anchoring
procedures were developed by an anchor working group created by the
Commission to study this matter. The Director states that there is no
fiscal impact on the State or on any private or public person or entity
resulting from this proposed rule amendment.

Section 700.040.5, RSMo Supp. 1999, authorizes the Commission to
promulgate such rules and regulations as necessary to make effective the

code and provisions of sections 700.010 to 700.115. Section 700.065, RSMo 1994, requires all manufactured homes located within the state to be anchored and tied down in accordance with the standards promulgated by the Commission. The Staff memorandum demonstrates that the proposed rule is necessary to carry out the purpose of Section 700.065, RSMo 1994, and Section 700.040.5, RSMo Supp. 1999.

Pursuant to Section 536.016, RSMo Supp. 1999, a state agency is required to find, based upon substantial evidence on the record, that a proposed rule is necessary to carry out the purposes of the statute that granted the rulemaking authority. Based on reasonably available empirical data and an assessment of the cost and effectiveness of the rule, the Commission finds that the proposed rule 4 CSR 240-124.045 - Anchoring Standards, is necessary to carry out the purposes of Section 700.065, RSMo 1994, and Section 700.040.5, RSMo Supp. 1999.

IT IS THEREFORE ORDERED:

1. That the Staff of the Missouri Public Service Commission is directed to proceed with the necessary procedures of the Commission and applicable procedures of administrative rulemaking and may file a proposed rule in this case for the Commission's consideration.

2. That this order shall become effective on June 6, 2000.

BY THE COMMISSION

A handwritten signature in black ink, reading "Dale Hardy Roberts". The signature is written in a cursive style with a large, stylized "D" and "R".

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lumpe, Ch., Crumpton, and Drainer, CC., concur
Murray and Schemenauer, CC., absent

Woodruff, Regulatory Law Judge

RECEIVED

MAY 25 2000

COMMISSION ON
PUBLIC SERVICE COMMISSION