## STATE OF MISSOURI PUBLIC SERVICE COMMISSION

At a session of the Public Service Commission held at its office in Jefferson City on the 15th day of June, 2000.

In the Matter of a Proposed Amendment to Rule ) Case No. MX-2000-589 4 CSR 240-120.100 - Code.

## ORDER FINDING NECESSITY FOR RULEMAKING

On March 22, 2000, the Staff of the Missouri Public Service Commission (Staff) filed a motion to open a case to consider the necessity of amending 4 CSR 240-120.100 to clarify the requirements to which new manufactured homes are to be set up or installed.

On April 11, 2000, Staff filed its Motion for Finding of Necessity for Rulemaking with a memorandum attached in support of its motion. Staff proposes to amend Rule 4 CSR 240-120.100 to clarify the requirements to which new manufactured homes are to be set up and installed. Staff states that this rulemaking is necessary to assist the Manufactured Housing Department in making determinations about the proper setup of new manufactured homes. Staff demonstrates the effectiveness and cost of the proposed amendment to the state and to private or public persons or entities that will be affected by the rule.

On May 31, 2000, the Commission issued an Order Directing Filing, indicating that neither the Motion to Open Case nor the Motion for Finding of Necessity reference the statute that granted the rulemaking authority. Staff filed an Amended Motion for Finding of Necessity for Rulemaking on

June 1, 2000. The amended motion notes that pursuant to Section 700.040.5, RSMo Supp. 1999, the Commission has the authority to promulgate rules to make effective Sections 700.010 to 700.115. Section 700.100.3(6) requires dealers to arrange for proper setup of manufactured homes.

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 the record, the Commission finds that the proposed amendment to Rule 4 CSR 240-120.100 - Code, is necessary to carry out the purposes of the Section 700.100.3(6), RSMo.

## IT IS THEREFORE ORDERED:

- 1. That the Staff of the Missouri Public Service Commission is authorized to proceed with the necessary procedures of the Commission and applicable procedures of administrative rulemaking and may file a proposed amendment in this case for the Commission's consideration.
  - 2. That this order shall become effective on June 27, 2000.

BY THE COMMISSION

Hole Hold Roberts

Dale Hardy Roberts

Secretary/Chief Regulatory Law Judge

(SEAL)

Lumpe, Ch., Drainer, Murray, Schemenauer, and Simmons, CC., concur.

Ruth, Regulatory Law Judge