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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held at its office
in Jefferson City on the 11th
day of January, 1995.

Director of the Division of Manufactured)
Homes, Recreational Vehicles and Modular)
Units of the Public Service Commission,)

CASE NO. MC-94-320

Complainant,)

vs.)

AA Mobile Home Sales, Inc.)

Respondent.)

ORDER DENYING MOTIONS FOR REHEARING AND CLARIFICATION

On December 16, 1994, the Commission issued a Report and Order in this case suspending the certificate of registration of AA Mobile Home Sales, Inc. (AA Homes) for two weeks. The Commission also authorized its General Counsel to seek penalties against AA Homes.

On December 20, 1994, AA Homes filed a motion for a rehearing and a stay of the Commission's Report and Order. AA Homes argues that the Commission's decision is in conflict with Chapter 700, RSMo, and previous Commission orders. On December 22, 1994, the Commission extended the effective date of its Report and Order to January 20, 1995.

On December 22, 1994, the Staff of the Commission (Staff) filed a motion for clarification. Staff requests additional findings regarding the Commission's authority to suspend AA Homes' certificate. On December 30, 1994, Staff filed a response to AA Homes' motion for a rehearing and AA Homes filed suggestions in opposition to Staff's motion for clarification.

Pursuant to § 386.500, RSMo 1986, the Commission shall grant a rehearing "if in its judgment sufficient reason therefor be made to appear." Upon review of its Report and Order, AA Homes' motion, and

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Staff's response, the Commission finds that there is not sufficient reason to order a rehearing. Thus, the Commission determines that AA Homes' motion for a rehearing should be denied.

Furthermore, upon review of its Report and Order, Staff's motion, and AA Homes' suggestions, the Commission is of the opinion that its Report and Order is clear. The Commission suspended AA Homes' certificate pursuant to the authority granted in Chapter 700, RSMo 1986, as amended. Thus, the Commission determines that Staff's motion for clarification should be denied.

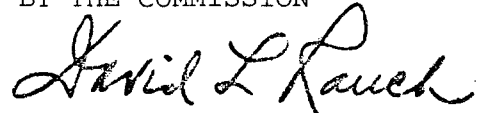
IT IS THEREFORE ORDERED:

1. That the motion for a rehearing filed by AA Mobile Homes Sales, Inc. is hereby denied.

2. That the motion for clarification filed by the Staff of the Commission is hereby denied.

3. That this Order shall become effective on the date hereof.

BY THE COMMISSION



David L. Rauch
Executive Secretary

(S E A L)

Mueller, Chm., Perkins,
and Crumpton, CC., Concur.
McClure, C., Concurs with attached Opinion.
Kincheloe, C., Dissents.

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

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|--|---|---------------------------|
| Director of the Division of Manufactured |) | |
| Homes, Recreational Vehicles and Modular |) | |
| Units of the Public Service Commission, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| vs. |) | <u>Case No. MC-94-320</u> |
| |) | |
| AA Mobile Home Sales, Inc., |) | |
| |) | |
| Respondent. |) | |

CONCURRING OPINION OF COMMISSIONER KENNETH MCCLURE

I concur with the Commission's Order Denying Motions for Rehearing and Clarification. However, I would take the additional step of stating that the Staff Motion for Clarification, filed on December 22, 1994, is, based upon its contents, tantamount to a request for rehearing and, therefore, should be rejected on that basis.

As I noted in Case No. TT-94-119, Staff has no such express authority under Missouri law to seek a rehearing. Chapter 386.500.1 RSMo gives such right only to "public counsel or any corporation or person or public utility. . ." While statutes relating to Manufactured Homes, Recreational Vehicles and Modular Units are found in Chapter 700 RSMo, the Commission has nevertheless utilized procedures as outlined in Chapter 386 RSMo when dealing with matters relating to this industry.

Respectfully submitted,



Kenneth McClure
Commissioner

Dated at Jefferson City, Missouri,
on this 11th day of January, 1995.