

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
November 2, 2001**

CASE NO: MX-2000-589

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Enclosed find certified copy of a ORDER OF RULEMAKING in the above-numbered case(s).

Sincerely,

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive, slightly slanted style.

**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

January 15. No horsepower restrictions apply. Boats may be left unattended overnight.

5. All boating is prohibited from November 15 through February 15 on the Theodosia Arm of Bull Shoals Lake described as: All of Section 13, and south half of Section 12, T22N, R16W; all of Section 17, south half of Sections 7 and 8, and that part of Sections 19 and 20 north of Highway 160 bridge, all in T22N, R15W.

SUMMARY OF PUBLIC COMMENT: Seasons and limits are excepted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment filed October 1, 2001, effective October 15, 2001.

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

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 700.010, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-120.100 Code is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2001 (26 MoReg 1160-1161). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 700.040, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-121.020 Administration and Enforcement is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2001 (26 MoReg 1161). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Written comments were submitted by the Missouri Manufactured Housing Association (Association). There was no public hearing held. The Association opposes adoption of the amended rule.

COMMENT: Comments were received asserting that since Senate Bill No. 317 (SB 317), concerning the amendment of Chapter 700 of the Missouri Statutes, passed and will become effective, the Public Service Commission will no longer have authority to regulate used manufactured homes. The Association maintains that SB

317 removed all reference to used homes except for "used modular units used for educational purposes." The Association asserts that 4 CSR 240-121.020 should be rescinded due to Chapter 700 amendments.

RESPONSE: The Commission believes that the amendment to Chapter 700 did not remove statutory authority cited in 4 CSR 240-121.020. Therefore, 4 CSR 240-121.020 should remain in effect as proposed. 4 CSR 240-121.020 gives the Commission powers and responsibilities under Chapter 700, RSMo concerning the authority to revoke, deny, refuse to renew or place on probation a registration under section 700.090. The Commission will still require used manufactured home dealers to register with the Commission in order to sell manufactured homes in the State of Missouri.

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

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 700.040, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-121.040 Inspection of Dealer Books, Records, Inventory and Premises is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2001 (26 MoReg 1161-1162). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Written comments were submitted by the Missouri Manufactured Housing Association (Association). There was no public hearing held. The Association opposes adoption of the amended rule.

COMMENT: Comments were received asserting that since Senate Bill No. 317 (SB 317), concerning the amendment of Chapter 700 of the Missouri Statutes, passed and will become effective, the Public Service Commission will no longer have authority to regulate used manufactured homes. The Association maintains that SB 317 removed all reference to used homes except for "used modular units used for educational purposes." The Association asserts that 4 CSR 240-121.040 should be rescinded due to Chapter 700 amendments.

RESPONSE: The Commission believes that the amendment to Chapter 700 did not remove statutory authority cited in 4 CSR 240-121.040. Therefore, 4 CSR 240-121.040 should remain in effect as proposed. 4 CSR 240-121.040 gives the Commission the authority to inspect dealer books, records, inventory and premises. The Commission believes that nothing in the Chapter 700 amendments removes that authority.

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

ORDER OF RULEMAKING

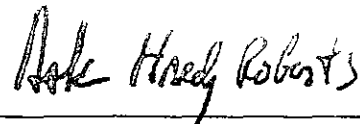
By the authority vested in the Missouri Public Service Commission under section 700.100, RSMo 2000, the commission withdraws a proposed rule as follows:

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and
I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 2nd day of Nov. 2001.



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

