

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
JEFFERSON CITY  
December 14, 2001

CASE NO: MX-2000-590

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

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Missouri Public Service Commission  
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Enclosed find certified copy of a **ORDER OF RULEMAKING** in the above-numbered case(s).

Sincerely,



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

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**  
**Division 240—Public Service Commission**  
**Chapter 122—Recreational Vehicles**

**ORDER OF RULEMAKING**

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

**4 CSR 240-122.090 Complaints and Review of Director Action is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 16, 2001 (26 MoReg 1437). This rule is being rescinded as a result of the passage of Senate Bill No. 19, effective August 28, 1999, which repealed all recreational vehicle regulations. No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission 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 123—Modular Units**

**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 240-123.010 Definitions is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 16, 2001 (26 MoReg 1437-1438). 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.

**FILED**

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**  
**Division 240—Public Service Commission**  
**Chapter 123—Modular Units**

**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 240-123.030 Seals is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 16, 2001 (26 MoReg 1438-1440). 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 123—Modular Units**

**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 240-123.040 is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 16, 2001 (26 MoReg 1441-1443). Changes have been made in the text of the proposed amendment and are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS AND EXPLANATION OF CHANGE:** Written comments were submitted by the Missouri Manufactured Housing Association (Association). There was no public hearing held. The Association submitted comments concerning their proposed amendments to several sections of the following proposed and amended rule 4 CSR 240-123.040. Changes have been made to Section (11) to incorporate the concern the Association comments on in Section (7)(E).

**COMMENT:** 4 CSR 240-123.040 Section (5) requires the director to approve changes in a manufacturing program. The rule as written requires the director to promptly provide written approval of such changes. The rule does not provide a time period within which the director is to act. Therefore the Association proposes to modify Section (5) to include "the director shall provide written approval of such changes within ten (10) days of the director's receipt of a written description of the changes which is sufficient to demonstrate that the changes comply with the code."

**RESPONSE:** A time period limit on approving manufacturing programs is not feasible because the approval process time frame varies due to several circumstances. Final approval depends on postal service, Internal Accounting processing, complete and accurate application, and Third Party documentation. Therefore, it would be difficult to set a reasonable time period for completing approval in every situation. Currently the process is handled as promptly as possible in all situations. The Commission does not believe a time period for approving manufacturing programs is necessary.

**COMMENT:** 4 CSR 240-123.040 Section (7) subsection (E) requires the director to withdraw approval of a manufacturing program if the director finds that a manufacturer has failed to renew plans of units produced under the program. There is no statement as to how often plans must be renewed. The Association poses these questions: Does the rule contemplate a renewal of plans each and every year even though plans may not change from year to year? Does the rule require a new set of detailed plans and new quality control manuals even if there have been no changes in those documents since the last renewal? The Association suggests there is no need to renew or submit new sets of detailed plans and quality control manuals so long as the manufacturer has not changed its plans or manual.

**RESPONSE AND EXPLANATION OF CHANGE:** The Commission agrees that Section (7) subsection (E) does not clearly specify how often plans must be renewed, and proposes to revise the text in Section (11) to reflect that plans must be renewed annually. The Commission believes that plans must be renewed annual-

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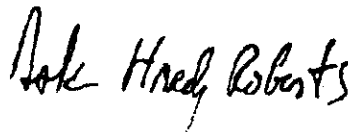
Missouri Public Service Commission

**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 14<sup>th</sup> day of Dec. 2001.



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

