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Chair

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Missouri Public Service Commission

POST OFFICE BOX 360
JEFFERSON CITY, MISSOURI 65102
573-751-3234
573-751-1847 (Fax Number)
<http://www.psc.state.mo.us>

September 28, 2001

FILED

SEP 28 2001

Missouri Public
Service Commission

Honorable Matt Blunt
Secretary of State
600 West Main Street
Jefferson City, Missouri 65101

ATTENTION: Administrative Rules Division

I do hereby certify that the attached are accurate and complete copies of the Order of Rulemaking lawfully submitted by the Missouri Public Service Commission for filing this 28th day of September, 2001.

Rule: 4 CSR 240-121.090 – Proper and Initial Set Up of Pre-Owned Manufactured Homes

Statutory authority: 700.100, RSMo (2000)

Missouri Public Service Commission Case No.: MX-2000-448

If there are any questions, please contact: Bruce H. Bates, Associate General Counsel
Missouri Public Service Commission
200 Madison St.
Post Office Box 360
Jefferson City, Missouri 65102
(573) 751-7434

BY THE COMMISSION

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

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MATT BLUNT
Secretary of State
Administrative Rules Division
RULE TRANSMITTAL

A "SEPARATE" rule transmittal sheet must be used for EACH individual rulemaking.

A. Rule Number 4 CSR 240-121.090
Diskette File Name 9/28/01 Final Order of Rulemakings
Name of Person to call with questions about this rule: Bruce H. Bates
Context _____ Phone 573/751-7434 FAX 573/751-9285
Data Entry _____ Phone _____ FAX _____
Interagency Mailing Address 200 Madison St., P.O. Box 360, Jefferson City, MO 65102

Statutory Provision for Rulemaking
Authority 700.100 Provide Most Current RSMo Year 2000

Date Filed With the Joint Committee on Administrative Rules Exempt per Sections 536.024 and 536.037, RSMo Supp. 1998, and Executive Order No. 97-97 (June 27, 1997)

B. CHECK, IF INCLUDED: FORMS, List by Mo-Form Number, # of Pages
☒ Cover Letter _____
_____ Affidavit _____
_____ Cost Statements _____
_____ Public Entity Fiscal Note OTHER
_____ Private Entity Fiscal Note _____

C. RULEMAKING ACTION TO BE TAKEN
_____ Emergency Rulemaking, Must Specify Effective Date
_____ Proposed Rulemaking (New Rule or Amendment or Rescission of Existing Rule)
_____ Order of Rulemaking (MUST complete page 2 of this transmittal)
☒ Withdrawal (Rule, Amendment, Rescission or Emergency)
_____ Rule Action Notice
_____ In Addition

D. SPECIFIC INSTRUCTIONS: In this space indicate any special instructions (e.g., specify publication date preference, identify material incorporated by references, etc.)

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E. ORDER OF RULEMAKING: Rule Number 4 CSR 240-121.090

SEP 28 2001

1a. Effective Date for the Order

Statutory 30 days _____ or later specific date N/A

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ADMINISTRATIVE RULES

1b. Does the Order of Rulemaking contain changes to the rule text? N/A

YES _____ NO _____

1c. If the answer is YES, please complete section F. If the answer is NO, Stop here.

F. Please provide a complete list of the changes in the rule text for the order or rulemaking, indicating the specific section, subsection, subparagraph, part, etc., where each change is found.

(Start text here. If text continues to a third page, insert a continuous section break and, in section 3, delete the footer language that appears at the bottom of this page.)

Please refer to attachment.

NOTE: ALL changes MUST be specified here in order for those changes to be made in the rule as published in the *Missouri Register* and the *Code of State Regulations*.

Add additional sheet(s), if more space is needed.

**Title 4 – DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240 – Public Service Commission
Chapter 121 – Preowned Mobile Homes**

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**SECRETARY OF STATE
ADMINISTRATIVE RULES**

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:

**4 CSR 240-121.090 Proper and Initial Set Up of Preowned Manufactured Homes
is withdrawn.**

A notice of proposed rulemaking containing the text of the proposed rules was published in the *Missouri Register* on June 1, 2001 (26 Mo. Reg. 1162).

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 240-121.090 should be rescinded due to Chapter 700 amendments.

RESPONSE AND EXPLANATION OF CHANGE: The Commission agrees that Chapter 700 amendments did affect statutory authority cited in 4 CSR 240-121.090 and that the proposed rule will be withdrawn. 4 CSR 240-121.090 pertains to the requirements for the installation and set-up of preowned manufactured homes. The Commission no longer has jurisdiction over set-up issues on preowned manufactured homes therefore this proposed rule is no longer relevant.

MEMORANDUM

TO: Dale Hardy Roberts, Secretary

DATE: September 27, 2001

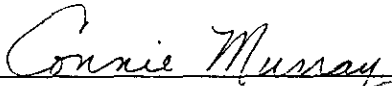
RE: Authorization to File Final Order of Rulemaking for Rule 4
CSR 240-121.090 (Withdrawal) With the Office of Secretary
of State

CASE NO: MX-2000-448

The undersigned Commissioners hereby authorize the Secretary of the Missouri Public Service Commission to file with the Office of Secretary of State, to wit:

4 CSR 240-121.090 - Proper and Initial Set Up of Pre-Owned Manufactured Homes

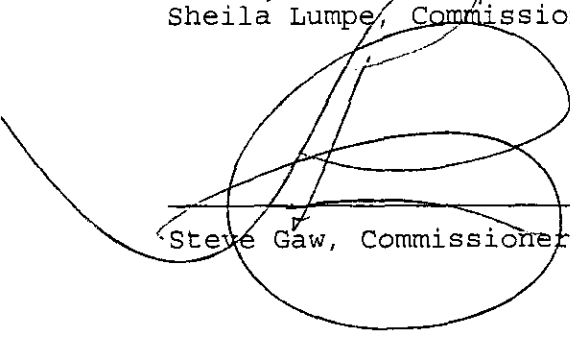
Kelvin Simmons, Chair



Connie Murray, Commissioner



Sheila Lumpe, Commissioner



Steve Gaw, Commissioner