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ADMINISTRATIVE RULES

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Director, Utility Services

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Director, Administration

DALE HARDY ROBERTS
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE
General Counsel

Missouri Public Service Commission

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JEFFERSON CITY, MISSOURI 65102
573-751-3234
573-751-1847 (Fax Number)
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September 28, 2001

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Missouri Public
Service Commission

Commissioners
KELVIN L. SIMMONS
Chair
CONNIE MURRAY
SHEILA LUMPE
STEVE GAW

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 240-121.020 – Administration and Enforcement

Statutory authority: 700.040, RSMo (2000)

Missouri Public Service Commission Case No.: MX-2000-432

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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ADMINISTRATIVE RULES

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 240-121.020
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 700.040 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 240-121.020

SEP 28 2001

1a. Effective Date for the Order

Statutory 30 days X or later specific date

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ADMINISTRATIVE RULES**

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

YES _____ NO X

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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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 rules was published in the *Missouri Register* on June 1, 2001 (26 Mo. Reg. 1161). No changes have been made to the text of the proposed rule, so it is not reprinted here. The proposed rule becomes effective thirty 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.

MEMORANDUM

TO: Dale Hardy Roberts, Secretary

DATE: September 27, 2001


RE: Authorization to File Final Order of Rulemaking for Rule 4
CSR 240-121.020 (Adoption) With the Office of Secretary of
State

CASE NO: MX-2000-432

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 240-121.020 - Administration and Enforcement

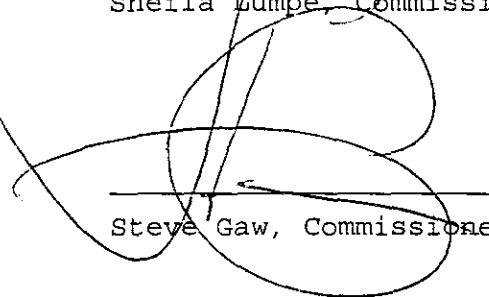
Kelvin Simmons, Chair



Connie Murray, Commissioner



Sheila Lumpe, Commissioner



Steve Gaw, Commissioner