

Nebraska Public Service Commission

COMMISSIONERS:

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TIM SCHRAM
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1-800-526-0017

EXECUTIVE DIRECTOR:

JEFFREY L. PURSLEY

August 30, 2016

VIA INTEROFFICE MAIL

Bess Boesiger
Secretary of State's Office
Room 2300, State Capitol
Lincoln, NE 68509

RE: Proposed Rule & Regulation #196
Modular Housing Unit Construction

Dear Ms. Boesiger:

Enclosed please find an Order Releasing Second Set of Proposed Rules, Seeking Comment and Notice of Hearing entered by the Public Service Commission to amend N.A.C. Title 291, Chapter 13, which pertains to Modular Housing Unit Construction.

A hearing on this matter has been scheduled for Tuesday, October 18, 2016 at 1:30 P.M.

If you should have any questions, please do not hesitate to contact me or my Executive Assistant, John T. Monroe, at (402) 471-0221.

Sincerely,

A handwritten signature in cursive script that reads "Jeffrey L. Pursley".

Jeffrey L. Pursley
Executive Director

JLP/jtm

Enclosure: Order Releasing Second Set of Proposed Rules, Seeking Comment and Notice of Hearing, with Certification and Distribution List

Nebraska Public Service Commission

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August 30, 2016

TO ALL INTERESTED PARTIES:

RE: RULE AND REGULATION #196: In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 13, Modular Housing Unit Construction Rules and Regulations, to adopt the 2015 editions of applicable code books and update related provisions; to remove rules regarding alternating tread devices; and to update language regarding engineering service fees.

CERTIFICATION

I, Jeffrey L. Pursley, Executive Director of the Nebraska Public Service Commission, hereby certify that the enclosed is a true and correct copy of the original order made and entered in the proceeding docketed Rule and Regulation No. 196 on the 30th day of August, 2016. The original order is filed and recorded in the official records of the Commission.

Please direct any questions concerning this order to Nichole Mulcahy, Legal Counsel, 402-471-0234.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the Nebraska Public Service Commission, Lincoln, Nebraska, this 30th day of August, 2016.

Sincerely,

A handwritten signature in cursive script that reads "Jeffrey L. Pursley".

Jeffrey L. Pursley
Executive Director



cc: Distribution List (attached)
Ms. Bess Boesiger, Secretary of State's Office, Room 2300, State Capitol, Lincoln, NE 68509
Ms. Erin Northwall, Governor's Policy Research Office, Room 1319, State Capitol, Lincoln, NE 68509
Mr. Bob Krist, Chairman, Executive Board, District #10, State Capitol, Lincoln, NE 68509 (Electronically Filed)

MODULAR LIST

8/23/2016

Name	Mailing Address	City	State	Zip
CHIEF / BONNAVILLA HOMES	P O BOX 127	AURORA	NE	68818
CHAMPION HOME BUILDERS	P O BOX 585	YORK	NE	68467
CHAMPION HOME BUILDERS	1660 ROWE AVENUE	WORTHINGTON	MN	56187
CLAYTON HOMES	201 INDUSTRIAL DRIVE	REDWOOD FALLS	MN	56283
CMH MANUFACTURING	437 NORTH MAIN STREET	MIDDLEBURY	IN	46540
COMMODORE CORPORATION	1423 LINCOLNWAY EAST	GOSHEN	IN	46527
CUSTOM TOUCH HOMES	P O BOX 530	MADISON	SD	57042
DESIGN HOMES	600 NORTH MARQUETTE ROAD	PRAIRIE DU CHIEN	WI	53821
FAIRMONT HOMES	502 SOUTH OAKLAND AVENUE	NAPPANEE	IN	46550
FAMILY BUILT HOMES	982 RUNDELL ROAD	GERING	NE	68341
FRIENDSHIP HOMES	815 BUDD ROAD	MONTEVIDEO	MN	56265
GUERDON HOMES	5556 SOUTH FEDERAL WAY	BOISE	ID	83716
HERITAGE HOMES	P O BOX 37	WAYNE	NE	68787
KARSTEN HOMES	2700 KARSTEN COURT SE	ALBUQUERQUE	NM	87102
OAK VALLEY LUMBER	P O BOX 157	VALPARAISO	NE	68065
PRAIRIE GOLD HOMES/BAR-NONE HSG	1230 O STREET SUITE 240 COMMERCE COURT	LINCOLN	NE	68508
QUALITY HOMES	P O BOX 8	SUMMERFIELD	KS	66541
REDMAN HOMES	308 SHERIDAN AVENUE	TOPEKA	IN	46571
STRATFORD HOMES	P O BOX 37	STRATFORD	WI	54484
VANTAGE POINTE HOMES	1000 WEST ROKEBY ROAD	LINCOLN	NE	68523
WARDCRAFT HOMES	P O BOX 267	MINDEN	NE	68959
WARDCRAFT HOMES	P O BOX 55	CLAY CENTER	KS	67432
WISCONSIN HOMES	425 WEST MCMILLAN STREET	MARSHFIELD	WI	54449
CADDI SHACK HOMES	P O BOX 480	OGALLALA	NE	69153
COUNTRY LIVING HOMES	6602 HWY 75	MURRAY	NE	68409
GRACE HOMES	2900 GRAND AVENUE #384	KEARNEY	NE	68847
HARVEST HOMES	6939 L STREET	OMAHA	NE	68117
HEART CITY HOMES	P O BOX 537	VALENTINE	NE	69201
HENRY STAHLA MOBILE HOMES	P O BOX 601	KIMBALL	NE	69145
HIGH QUALITY HOUSING	4020 W STOLLEY PARK ROAD	GRAND ISLAND	NE	68803
HINNS MOBILE HOMES	813 W 4TH STREET	CHADRON	NE	69337
HINNS MOBILE HOMES	2300 14TH AVENUE	SCOTTSBLUFF	NE	69361
HINNS MOBILE HOMES	P O BOX 302	RUSHVILLE	NE	69360
HOYLE NORTH 77 MOBILE HOMES	3800 NORTH 6TH	BEATRICE	NE	68310
ISEMAN HOMES	2000 E HWY 30	KEARNEY	NE	68848
LONNIES TRAILERS SALES	520 WEST 16TH STREET	SCHUYLER	NE	68661
LT MANUFACTURED HOMES	718 SOUTH LINCOLN AVENUE	YORK	NE	68467
NU-TRÉND MOBILE HOMES	6306 L STREET	OMAHA	NE	68117
SEARS HOMES	2640 WEST "O" STREET	LINCOLN	NE	68528
SIOUXLAND ESTATES	1520 ATOKAD DRIVE #100	SOUTH SIOUX CITY	NE	68776
STAHLA MOBILE HOMES	4407 WEST NORFOLK AVENUE	NORFOLK	NE	68701
SWANSON MOBILE HOMES	4400 RODEO ROAD	NORTH PLATTE	NE	69101
T.R. ARNOLD & ASSOCIATES	700 EAST BEARDSLEY AVENUE	ELKHART	IN	46515
NTA	P O BOX 490	NAPPANEE	IN	46550
PFS CORPORATION	1507 MATTS PASS	COTTAGE GROVE	WI	53527
RADCO	3220 EAST 59TH STREET	LONG BEACH	CA	90805
MARTIN HUFF NEBR.MFG. HSG ASSOC.	P O BOX 22097	LINCOLN	NE	68542
CRAIG LEWIS CITY OF GRAND ISLAND	P O BOX 1988	GRAND ISLAND	NE	68802
ROD LAUCOMER	11201 SOUTH 98TH STREET	LINCOLN	NE	68526

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission,) Rule and Regulation No. 196
on its own motion, seeking to)
amend Title 291, Chapter 13,)
Modular Housing Unit Construction)
Rules and Regulations, to adopt) ORDER RELEASING SECOND SET OF
the 2015 editions of applicable) PROPOSED RULES, SEEKING
code books and update related) COMMENT, AND NOTICE OF
provisions; to remove rules) HEARING
regarding alternating tread)
devices; and to update language)
regarding engineering service)
fees.) Entered: August 30, 2016

BY THE COMMISSION:

O P I N I O N A N D F I N D I N G S

On February 9, 2016, the Commission opened this proceeding to amend Title 291, Chapter 13, Modular Housing Unit Construction Rules and Regulations, to adopt the 2015 editions of applicable code books and update related provisions; to remove rules regarding alternating tread devices; and to update language regarding engineering service fees.

Comments were received from Wardcraft Homes and Clayton Home Building Group on the first set of proposed rules. Wardcraft Homes recommended modification of certain code provisions that are related to assembly of the home on-site. These provisions are enforced by the local jurisdiction and do not apply to assembly at the factories, therefore, they are not enforced by the Commission and were therefore rejected. Wardcraft also suggested modification of Section P3103.2 regarding Frost Closure, these suggested changes were incorporated into the second set of proposed rules under Section 001.03A10.

Clayton Homes suggested change to several provisions of the code, two such suggestions regard code provisions that are unchanged from the currently adopted 2012 edition and are therefore in effect in Nebraska and the suggested changes were therefore not implemented. The other three regarded the minimums established by the code, an unnecessary exception as the suggested change was included in the 2015 edition, and on-site inspections taking precedence over visual inspections at the factory. All were considered and not implemented.

The Commission has modified the proposed rule amendments based on the comments and hereby releases the Second set of proposed rules set out in the attached Appendix A, incorporated herein by this reference.

Comments on the second set of proposed rules amendments shall be filed by interested parties on or before **3:00 p.m., September 30, 2016**. Parties filing comments should file one original and five (5) paper copies and one (1) electronic copy e-mailed to lisa.polivka@nebraska.gov and to nichole.mulcahy@nebraska.gov.

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

Rule and Regulation No. 196

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The Commission finds that this matter should be set for hearing on **Tuesday, October 18, 2016, at 1:30 p.m.** in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska.

If auxiliary aids or reasonable accommodations are needed for attendance at the meeting, please call the Commission at (402) 471-3101. For people with hearing/speech impairments, please call the Commission at (402) 471-0213 (TDD) or the Nebraska Relay System at (800) 833-7352 (TDD) or (800) 833-0920 (Voice). Advance notice of at least seven days is needed when requesting an interpreter.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the second set of proposed rules to amend Title 291, Chapter 13, Modular Housing Unit Construction Rules and Regulations, be, and are hereby, released for public comment.

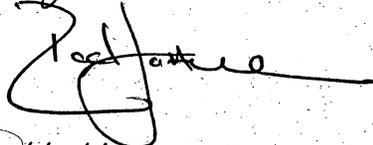
IT IS FURTHER ORDERED that interested parties file comments on or before **3:00 p.m., September 30, 2016**. Commenting parties shall file one original and five (5) paper copies along with one electronic copy emailed to lisa.polivka@nebraska.gov and nichole.mulcahy@nebraska.gov.

IT IS FURTHER ORDERED that this matter be set for hearing on **Tuesday, October 18, 2016, at 1:30 p.m.** in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 30th day of August, 2016.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:



//s//Frank E. Landis

//s//Tim Schram



Chairman

ATTEST:



Executive Director

APPENDIX A

1. Make the following revisions to Rule 001.03.

001.03 Standards for Modular Housing Units: Except as provided by statute, the following standards are hereby adopted as the State of Nebraska Standards governing all construction and installation of plumbing, heating, and electrical systems in modular housing units.

001.03A INTERNATIONAL RESIDENTIAL CODE - 2009 2015 EDITION, as published by the International Code Council, Inc., 500 New Jersey Avenue NW, 6th Floor, Washington, DC 20001, and made a part hereof by reference with the following revisions and amendments. A copy of this code is available to be viewed at the Nebraska Public Service Commission office at 300 The Atrium, 1200 N Street, Lincoln, Nebraska, during normal business hours.

001.03A1 Omit Chapter 1 entirely.

001.03A2 In Chapter 3, Section R301.2, remove the last sentence.

001.03A3 In Chapter 3, Table R301.2 (1), the value for "Ground Snow Load" shall be 30 psf, "Wind Design Speed (mph)" shall be 90 mph, "Wind Design Topographic Effects" shall be "No", "Wind Design Special wind region" shall be "No", "Wind Design Windborne debris zone" shall be "No", "Seismic Design Category" shall be "C". "Winter Design Temp" shall be "-4", "Ice Barrier Underlayment Required" shall be "Yes" and "Air Freezing Index" shall be "2500", and "Mean Annual Temp" shall be "50". Footnote "d", second sentence shall read, "Wind exposure category shall be "C".

001.03A4 In Chapter 3, Table R301.5, change the value for "Sleeping rooms" to 40.

~~001.03A5 In Chapter 3, Section R311.7.9, add "alternating tread devices" immediately after "Spiral stairways".~~

~~001.03A5a In Chapter 3, add a new section R311.7.9.3 to read, "R311.7.9.3 Alternating Tread Devices". Alternating tread devices are limited to providing access to a space of not more than 70 square feet and such space shall not provide access to any other~~

~~space or habitable room. Construction of handrails and treads shall be in conformance with the International Building Code, 2009 Edition, Sections 1009.10.1 and 1009.10.2 (Delete the "Exception" in Section 1009.10.2).~~

001.03A65 In Chapter 3, omit Section R313 entirely.

001.03A76 In Chapter 9, Section R905.2.7.1, remove all words prior to and including the first comma (,) and capitalize the "a" in "an".

001.03A7 In Chapter 9, Section R905.2.7, remove all words prior to and including the first comma (,) and capitalize the "i" in "ice".

001.03A8 In Chapter 11, Section N1101.2, retain only the section's first sentence and replace the remainder of the section with, "The climate zone for all of Nebraska is "5". The climate zone for homes to be located outside of Nebraska shall be determined by the site's authority having jurisdiction".

001.03A9 In Chapter 24, omit exceptions 3 and 4 in Section G2406.2.

001.03A10 In Chapter 31, Section P3103.2, the last sentence shall read, "Any increase in the size of the vent shall be made inside the structure to within three (3) inches (76 mm) of the thermal envelope of the building."

001.03A1011 Omit Chapters 33, 34, 35, 36, 37, 38, 39, 40, 41, 42 and 43.

001.03A1112 Adopt Appendix A, B, C and K.

001.03B INTERNATIONAL BUILDING CODE, ~~2009~~ 2015 Edition, as published by the International Code Council, Inc., 500 New Jersey Avenue NW, 6th Floor, Washington, DC 20001, made part hereof by reference with the following revisions and amendments. This code shall be used only for buildings that are not detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress. A copy of this code is available to be viewed at the Nebraska Public Service Commission office at 300 The Atrium, 1200 N Street, Lincoln, Nebraska, during normal business hours.

001.03B1 In Chapter 1, omit Sections 101.1, 101.2, 103, 104, 105, 107, 108, 109, 110, 111, 112, 113, 114, 115 and 116.

001.03C INTERNATIONAL PLUMBING CODE, 2000 2015 Edition, as published by the International Code Council, Inc., 500 New Jersey Avenue NW, 6th Floor, Washington, DC 20001, made a part hereof by reference with the following revisions and amendments. This code shall be used only for buildings that are not detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress. A copy of this code is available to be viewed at the Nebraska Public Service Commission office at 300 The Atrium, 1200 N Street, Lincoln, Nebraska, during normal business hours.

001.03C1 In Chapter 1, omit Sections 101.1, 102, 103, 104, 105, 106, 107, 108, 109 and 110.

001.03C2 Adopt Appendix D, F and G.

001.03D NATIONAL ELECTRICAL CODE, adopted by the Nebraska State Electrical Board in 100 NAC 18 pursuant to Nebraska Revised Statutes Section 81-2104, issued and adopted by the National Fire Protection Association in Publication Number 70 is made a part hereof by reference. A copy of this code is available to be viewed at the Nebraska Public Service Commission office at 300 The Atrium, 1200 N Street, Lincoln, Nebraska, during normal business hours.

001.03E INTERNATIONAL MECHANICAL CODE, 2009 2015 Edition, as published by the International Code Council, Inc., 500 New Jersey Avenue NW, 6th Floor, Washington, DC 20001, made a part hereof by reference with the following revisions and amendments. This code shall be used only for buildings that are not detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress. A copy of this code is available to be viewed at the Nebraska Public Service Commission office at 300 The Atrium, 1200 N Street, Lincoln, Nebraska, during normal business hours.

001.03E1 In Chapter 1 omit Sections 101.1, 102, 103, 104, 105, 106, 107, 108, 109 and 110.

001.03E2 Adopt Appendix A.

001.03F INTERNATIONAL FUEL GAS CODE, 2009 2015 Edition, as published by the International Code Council, Inc., 500 New Jersey Avenue NW, 6th Floor, Washington, DC 20001, made a part

hereof by reference with the following revisions and amendments. This code shall be used only for buildings that are not detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress. A copy of this code is available to be viewed at the Nebraska Public Service Commission office at 300 The Atrium, 1200 N Street, Lincoln, Nebraska, during normal business hours.

001.03F1 In Chapter 1 omit Sections 101.1, 102, 103, 104, 105, 106, 107, 108, 109 and 110.

001.03F2 Adopt Appendix A, B and C.

001.03G These standards shall have the same force and effect as rules and regulations of the Nebraska Public Service Commission as if set out verbatim in this section, and shall be considered the State standards in regard to modular housing units.

2. Make the following revisions to Rule 005:

005 FEES:

005.01 Fees for Seals: One seal is required per modular housing unit. A fee shall be charged for each seal issued by the Commission for a modular housing unit as established at least annually after public notice and hearing by the Commission.

005.02 Plant Inspection Fee: Fees shall be charged by the Commission for the inspection of manufacturing plants located outside the State of Nebraska in an amount not to exceed the actual cost of such inspection. The fees shall consist of reimbursement by the manufacturer, to the State, of the inspector's time, and (a) airfare; (b) ground transportation; (c) lodging; and (d) miscellaneous expenses, charged in accordance with the State of Nebraska's current employee travel expense reimbursement policy. In the event that the state inspector inspects more than one manufacturer's plant on the same trip, the fees which cannot be specifically identified to each plant shall be prorated among all manufacturers whose plants were inspected.

005.03 Engineering Services Fee: A person who submits an initial package (see 001.02G) to the Commission for review and approval shall be charged for Commission engineering services provided for performing the review of the initial package at a rate of thirty dollars (\$30.00) per hour an hourly rate as established annually after public notice and hearing by the Commission based upon sixty (60) hours of review time.