

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

The Staff of the Missouri Public Service  
Commission,

Complainant,

v.

Aspen Woods Apartment Associates, LLC, Barry  
Howard, Aspen Woods Apartments, Sapal  
Associates, Sachs Investing Co., Michael Palin,  
Jerome Sachs, and National Water & Power, Inc.

Respondents.

**Case No. WC-2010-0227**

**JOINT PROPOSED PROCEDURAL SCHEDULE**

**COMES NOW** the Staff of the Missouri Public Service Commission (“Staff”), by and through the undersigned counsel, and on its behalf and the behalf of Aspen Woods Apartment Associates, LLC, and National Water & Power, Inc. (NWP)<sup>1</sup>, known collectively as “the Parties”, respectfully proposes the following procedural schedule to the Missouri Public Service Commission (“Commission”):

1. On January 29, 2010, the Staff filed a *Complaint* against the above-named Respondents asserting that either individually and/or jointly, all Respondents are a water corporation and sewer corporation owning, operating, managing and/or controlling the Aspen Woods Apartment Properties’ (as described in the *Complaint*) water and sewer services for gain as defined in Sections 386.020 (59) and (49), respectively, and thus public utilities as defined in Section 386.020 (43) RSMo (Supp. 2009), subject to the Commission’s jurisdiction.

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<sup>1</sup> At the prehearing conference, Counsel for National Water & Power, Inc. agreed to propose the dates within Paragraphs three (3) and four (4) below. However, Counsel for the Staff was unable to verify whether NWP agreed with the substance of this pleading at the time of filing.

2. On March 8, 2010, the Commission issued its *Order Setting Prehearing Conference And Directing The Filing Of A Procedural Schedule*. The Commission set a prehearing conference for March 23, 2010, and also directed the Parties to file a proposed procedural schedule by March 30, 2010.

3. On March 23, 2010, the Commission convened a prehearing conference, and the Parties participated in the conference and agreed to propose the following schedule: (1) the Parties designate March 24, 2010, through July 31, 2010, the period for various discovery. The Parties shall strive to complete discovery during this period, however any party may file a motion before the Commission for an extension of the discovery period with the support based upon any delay in obtaining discovery due to disputes, or if discovery proves much more extensive than any party could have anticipated; (2) by August 16, 2010, the Parties anticipate the circulation amongst themselves of outlines prepared by each party detailing its respective position, and any other document(s) it so chooses, to aid in settlement discussions; and (3) the Parties agree to participate in settlement discussions the week of August 23 through August 27, 2010, presuming no party filed a motion for the extension of the discovery period.

4. Dependent upon the results of the settlement discussions, the Parties will file a second joint proposed procedural schedule for dates to file an issue list, list of witnesses, and order of cross examination, statements of position, dates by which to exchange exhibits, dates for an evidentiary hearing, and any other dates the parties or the Commission deem necessary.

**WHEREFORE**, the Parties submit this *Joint Proposed Procedural Schedule* for the Commission's information and consideration, and request the Commission issue a procedural schedule as described in Paragraphs three (3) and (4) above.

Respectfully submitted,

**/s/ Jennifer Hernandez**

Jennifer Hernandez

Legal Counsel

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above was served upon the attorneys/parties of record via electronic mail to John M. Roodhouse and Lowell D. Pearson, attorneys for Aspen Woods Apartment Associates, LLC, at [john.roodhouse@huschblackwell.com](mailto:john.roodhouse@huschblackwell.com) and [lowell.pearson@huschblackwell.com](mailto:lowell.pearson@huschblackwell.com); Craig S. Johnson, attorney for National Water & Power, Inc. at [craigjohnson@berrywilsonlaw.com](mailto:craigjohnson@berrywilsonlaw.com); and the Office of the Public Counsel at [opcservice@ded.mo.gov](mailto:opcservice@ded.mo.gov) this 30<sup>th</sup> day of March 2010.

**/s/ Jennifer Hernandez**