

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

The Staff of the Missouri Public Service Commission,)	
)	
)	
Complainant,)	
)	
v.)	File No. WC-2010-0227
)	
Aspen Woods Apartment Associates, L.L.C.,)	
Barry Howard, Aspen Woods Apartments, Sapal)	
Associates, Sachs Investing Co., Michael Palin,)	
Jerome Sachs, and National White & Power, Inc.)	
)	
Respondents.)	

**RESPONDENTS SAPAL ASSOCIATES, SACHS INVESTING CO.,
MICHAEL PALIN AND JEROME SACHS' MOTION FOR LEAVE
TO FILE ANSWER AND MOTION TO DISMISS OUT OF TIME**

COME NOW Respondents Sapal Associates, Sachs Investing Co., Michael Palin and Jerome Sachs (collectively "Former Apartment Non-Owners"), by and through their undersigned attorneys, and pursuant to 4 CSR 240-2.070(9) move for leave of the Missouri Public Service Commission ("Commission") to file their Answer and Motion to Dismiss out of time. In support of their Motion, Former Apartment Non-Owners state as follows:

1. On or about January 29, 2010, the Staff of the Missouri Public Service Commission ("Staff") filed a complaint ("Complaint") with the Commission against Aspen Woods Apartment Associates, L.L.C., and Barry Howard (collectively "Apartment Respondents"), Aspen Woods Apartments and the Former Apartment Non-Owners. *See* Order Giving Notice of Complaint and Directing Answer, dated February 2, 2010 (hereinafter "Order Directing Answer").
2. The Commission ordered all named respondents to answer the Complaint no later than March 4, 2010. *See* Order Directing Answer, ¶ 2.

3. Counsel for Former Apartment Non-Owners was in contact with Jennifer Hernandez, Legal Counsel for the Staff, during February 2010 regarding Former Apartment Non-Owners' sale of the apartment complex at issue in 2003 and Former Apartment Non-Owners' request that the Staff dismiss them from the action. Ms. Hernandez responded on March 1, 2010 that Former Apartment Non-Owners would be required to file an answer in this matter.

4. Counsel for Former Apartment Non-Owners advised Ms. Hernandez that additional time would be required in which to file Former Apartment Non-Owners' Answer and Motion to Dismiss, up to and including March 12, 2010. Ms. Hernandez agreed the Staff would not object to this extension request.

5. Through an oversight of counsel, a formal motion for additional time to and including March 12, 2010, was not filed before the Commission.

6. Former Apartment Non-Owners now respectfully request leave of the Commission to file their Answer and Motion to Dismiss in this matter out of time, but within the time extension agreed to by counsel.

7. Neither the Complainant nor the other respondents will be prejudiced by allowing Former Apartment Non-Owners to file their Answer or Motion to Dismiss out of time.

8. Former Apartment Non-Owners, however, will be significantly prejudiced if they are denied leave to file their Answer and Motion to Dismiss.

9. Former Apartment Non-Owners' Answer and Motion to Dismiss are attached hereto and incorporated herein by reference, and will be filed immediately, if leave is granted.

WHEREFORE, Respondents Sapal Associates, Sachs Investing Co., Michael Palin and Jerome Sachs respectfully request that the Commission grant their Motion for Leave to File to

File Answer and Motion to Dismiss Out of Time and for such other relief as the Commission deems just and proper.

Respectfully submitted,

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Attorneys for Respondents Sapal Associates,
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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served by U.S. mail, postage prepare, to the following parties this 12th day of March, 2010:

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