

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

The Staff of the Missouri Public Service Commission,)	
)	
)	
Complainant,)	
)	
v.)	Case No. WC-2010-0227
)	
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.)	

**NOTICE OF INTENT TO SEEK
ATTORNEYS' FEES AND EXPENSES**

Respondent Aspen Woods Apartment Associates, L.L.C. ("Aspen"), pursuant to Section 536.021.9, RSMo Supp., files this Notice of Intent to Seek Attorneys' Fees and Expenses.

1. Under Section 536.010(6), RSMo 2009, a rule is an "agency statement of general applicability that implements, interprets, or prescribes law or policy."

2. The Staff of the Commission, by seeking to apply the regulatory authority and jurisdiction of the Commission to multiple apartment complexes in the State of Missouri for the first time without any statutory amendment to warrant such a change in policy, has adopted a statement of general applicability that implements, interprets or prescribes law or policy.

3. Section 536.021.7, RSMo 2009 Supp., provides in pertinent part:

If it is found in a contested case by an administrative or judicial fact finder that a state agency's action was based upon a statement of general applicability which should have been adopted as a rule, as required by sections 536.010 to 536.050, and that agency was put on notice in writing of such deficiency prior to the administrative or judicial hearing on such matter, then the administrative or judicial fact finder shall award the prevailing nonstate agency party its reasonable attorney's fees incurred prior to the award, not to exceed the amount in controversy in the original action.

4. This Notice is to advise the Staff and the Commission that the Staff's actions in bringing this action originally and now amending its complaint to name multiple apartment complexes as Respondents are based on a statement of general applicability that the Commission has jurisdiction over such apartment complexes, and that this statement should be adopted as a rule (or a statute). Accordingly, Respondent Aspen will seek its reasonable attorneys' fees and expenses for all actions in this case, both before and after this notice.

Respectfully submitted,

HUSCH BLACKWELL SANDERS LLP

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COUNSEL FOR ASPEN WOODS APARTMENT
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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served by hand-delivery, facsimile transmission, certified mail, electronic mail and/or United States mail, postage prepaid, to the following parties of record this 29th day of October, 2010:

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