

**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.	)	

**ANSWER**

COMES NOW Respondent Aspen Woods Apartment Associates, LLC,  
("Respondent"), submitting its Answer, and answers the respective paragraphs of the  
Complaint as follows:

1. Deny.
2. Respondent admits only that § 386.390.1 is accurately quoted in paragraph
2. The remainder of the allegations in paragraph 2 call for a legal conclusion and are  
therefore denied.
3. Admit.
4. Admit.
5. Deny.
6. Respondent is without sufficient information to admit or deny, and asserts  
a denial based on that ground.

7. Respondent is without sufficient information to admit or deny, and asserts a denial based on that ground.

8. Respondent is without sufficient information to admit or deny, and asserts a denial based on that ground.

9. Respondent is without sufficient information to admit or deny, and asserts a denial based on that ground.

10. Respondent is without sufficient information to admit or deny, and asserts a denial based on that ground.

11. Complainant's use of the term "Apartment Respondents" includes parties unknown to Respondent. To the extent a response is required to this averment, Respondent is without sufficient information to admit or deny, and asserts a denial based on that ground.

12. Admit.

13. Admit.

14. Respondent admits that it owns, operates, manages and/or controls the Aspen Apartment Properties' buildings. Respondent denies that any of the other alleged "Apartment Respondents" own, operate, manage and/or control the Aspen Apartment Properties' buildings.

15. Respondent admits that § 386.020(60) RSMo (Supp. 2008) is accurately quoted in paragraph 15.

16. Respondent admits that § 386.020(59) RSMo (Supp. 2008) is accurately quoted in paragraph 16.

17. Respondent admits that § 386.020(50) RSMo (Supp. 2008) is accurately quoted in paragraph 17.

18. Respondent admits that § 386.020(49) RSMo (Supp. 2008) is accurately quoted in paragraph 18.

19. Respondent admits that § 386.020(43) RSMo (Supp. 2008) is accurately quoted in paragraph 19.

20. Respondent admits that § 386.020(48) RSMo (Supp. 2008) is accurately quoted in paragraph 20.

21. Deny.

22. Respondent admits only that Complainant's Exhibit B speaks for itself. To the extent a further response is required, Respondent denies the allegations.

23. Respondent admits only that Complainant's Exhibit B speaks for itself. To the extent a further response is required, Respondent denies the allegations.

24. Respondent admits only that the Aspen Apartment Properties obtain water from Missouri American Water Company. Complainant's use of the term "Apartment Respondents" includes parties unknown to Respondent. To the extent a further response is required, Respondent is without sufficient information to admit or deny the remainder of the allegations and asserts a denial based on that ground.

25. Respondent admits only that Metropolitan St. Louis Sewer District provides wastewater management to the Aspen Apartment Properties. Complainant's use of the term "Apartment Respondents" includes parties unknown to Respondent. Respondent is therefore without sufficient information to admit or deny the remainder of the allegations and asserts a denial based on that ground.

26. Respondent is without sufficient information to admit or deny.

Complainant's use of the term "Apartment Respondents" includes parties unknown to Respondent. Respondent is therefore without sufficient information to admit or deny the remainder of the allegations and asserts a denial based on that ground.

27. Respondent admits only that it contracts with Respondent NWP to provide utility billing services to the residents of the Aspen Apartment Properties. Complainant's use of the term "Apartment Respondents" includes parties unknown to Respondent.

Respondent is therefore without sufficient information to admit or deny the remaining allegations, and asserts a denial based on that ground.

28. Respondent admits only that Complainant's Exhibit C speaks for itself.

To the extent a further response is required, Respondent is without sufficient information to admit or deny, and asserts a denial based on that ground.

29. Respondent admits only that Complainant's Exhibit C speaks for itself.

To the extent a further response is required, Respondent is without sufficient information to admit or deny, and asserts a denial based on that ground.

30. Respondent admits only that Complainant's Exhibit C speaks for itself.

To the extent a further response is required, Respondent is without sufficient information to admit or deny, and asserts a denial based on that ground.

31. Respondent admits only that Complainant's Exhibit C speaks for itself.

To the extent a further response is required, Respondent is without sufficient information to admit or deny, and asserts a denial based on that ground.

32. Respondent admits only that Complainant's Exhibit C speaks for itself. To the extent a further response is required, Respondent is without sufficient information to admit or deny, and asserts a denial based on that ground.

33. Respondent admits only that Complainant's Exhibit D speaks for itself. To the extent a further response is required, Respondent is without sufficient information to admit or deny, and asserts a denial based on that ground.

34. Respondent admits only that Complainant's Exhibit E speaks for itself. To the extent a further response is required, Respondent is without sufficient information to admit or deny, and asserts a denial based on that ground.

35. Respondent admits only that Complainant's Exhibit E speaks for itself. To the extent a further response is required, Respondent is without sufficient information to admit or deny, and asserts a denial based on that ground.

36. Respondent admits only that Complainant's Exhibit E speaks for itself. To the extent a further response is required, Respondent is without sufficient information to admit or deny, and asserts a denial based on that ground.

37. Respondent admits only that Complainant's Exhibit E speaks for itself. To the extent a further response is required, Respondent is without sufficient information to admit or deny, and asserts a denial based on that ground.

38. Respondent hereby incorporates its responses to paragraphs one (1) through thirty-seven (37) above.

39. Respondent denies to the extent that these allegations apply to Respondent. Complainant's use of the term "Apartment Respondents" includes parties

unknown to Respondent. Respondent is therefore without sufficient information to admit or deny the remaining allegations and asserts a denial based on that ground.

40. Respondents hereby reincorporate their responses to paragraphs one (1) through thirty-nine (39) above.

41. Respondent admits that § 393.170.1 RSMo is accurately quoted in paragraph 41.

42. Respondent admits that it does not possess a Certificate of Convenience and Necessity. Respondent denies that it has violated Section 393.170. Complainant's use of the term "Apartment Respondents" includes parties unknown to Respondent. Respondent is without sufficient information to admit or deny, and asserts a denial based on that ground.

43. Respondent admits that § 393.130.1 RSMo (Supp. 2008) is accurately quoted in paragraph 43.

44. Paragraph 44 calls for a legal conclusion and is therefore denied.

45. Respondent denies that it has violated Sections 393.130.1 and 393.140(11). Complainant's use of the term "Apartment Respondents" includes parties unknown to Respondent. Respondent is therefore without sufficient information to admit or deny the remaining allegations, and asserts a denial based on that ground.

46. Paragraph 46 calls for a legal conclusion and is therefore denied.

47. Respondent hereby reincorporates its responses to paragraphs one (1) through forty-six (46) above.

48. Respondent admits that § 386.570 is accurately quoted in paragraph 48.

49. Respondent admits that a portion of § 386.600 is accurately quoted in paragraph 49.

50. All allegations not specifically admitted are hereby denied.

WHEREFORE, Respondent prays that the Commission dismiss the Complaint with prejudice, award all attorneys fees and costs associated with defending this matter to Respondent, and for such other relief as may be just and proper in the circumstances.

Respectfully submitted,

HUSCH BLACKWELL SANDERS LLP

By: /s/ Lowell D. Pearson  
LOWELL D. PEARSON #46217  
JOHN M. ROODHOUSE #56413  
235 East High Street, Suite 200  
P.O. Box 1251  
Jefferson City, MO 65102  
Telephone: 573-635-9118  
Facsimile: 573-634-7854  
Email: [lowell.pearson@huschblackwell.com](mailto:lowell.pearson@huschblackwell.com)  
[john.roodhouse@huschblackwell.com](mailto:john.roodhouse@huschblackwell.com)

COUNSEL FOR ASPEN WOODS APARTMENT  
ASSOCIATES, LLC

## **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 4<sup>th</sup> day of March, 2010:

Jennifer Hernandez  
General Counsel Office  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102

Lewis R. Mills, Jr.  
Public Counsel  
Missouri Office of the Public Counsel  
P.O. Box 2230  
Jefferson City, MO 65102-2230

Department Legal  
Aspen Woods Apartments  
2990 Santiago Drive  
Florissant, MO 63033

Jerome Sachs  
155 E. 55<sup>th</sup> Street, Suite 5-F  
New York, NY 10022

Department Legal  
Sachs Investing Co.  
115 E. 55<sup>th</sup> Street, Suite 5-F  
New York, NY 10002

Michael Palin  
155 E. 55<sup>th</sup> Street, Suite 5-F  
New York, NY 10022

Michael Foote  
Regulatory and Corporate Counsel  
NWP Services Corp.  
22 Executive Park  
Irvine, CA 92614

Department Legal  
Sapal Associates  
155 E. 55<sup>th</sup> Street, Suite 5-F  
New York, NY 10022

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/s/ Lowell D. Pearson