

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

The Staff of the Missouri Public Service Commission,)	
)	
)	
Complainant,)	
)	
v.)	<u>Case No. WC-2010-0227</u>
)	
Aspen Woods Apartment Associates, LLC, and)	
National Water & Power, Inc.,)	
)	
Respondents.)	

**STAFF AND OPC JOINT REPORT ON
SIMILARLY SITUATED APARTMENT COMPLEXES**

COME NOW the Staff of the Missouri Public Service Commission (Staff), and the Office of the Public Counsel (OPC), and by and through the undersigned counsel respectfully state the following to the Commission:

1. On December 1, 2010, the Commission issued an order directing the Parties to file a report delineating the number of Missouri apartment complexes that are similarly situated to the complexes owned and/or managed by Aspen Associates, and that may be affected by this litigation.

2. As to the number of similarly situated complexes, the Respondents' activities came to the Staff's attention through the receipt of consumer complaints. The Staff obtained the following contract information from National Water & Power, Inc., (NWP) during discovery and provides the following chart attached hereto and labeled as Attachment A. The chart summarizes contracts entered into between NWP and Missouri apartment complexes. While the contracts are similar to those allegedly entered into by NWP and Aspen Wood Apartment Associates, LLC

(Aspen Associates), the Staff has not made a recommendation regarding whether these additional complexes (other than those of Aspen Associates/the Madison Group) are operating as public utilities.

3. The Staff has not confirmed that any other Missouri apartment complexes have the same or similar contract billing arrangements as that between NWP and Aspen Associates. There may be many other utilities in Missouri that are similarly situated that the Staff has no way of discovering at this time.

WHEREFORE, the Staff and OPC submit this status report for the Commission's information and consideration.

Respectfully submitted,

/s/ Jennifer Hernandez

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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 Lowell D. Pearson, attorney for Aspen Woods Apartment Associates, LLC, at lowell.pearson@huschblackwell.com; Craig S. Johnson, attorney for National Water & Power, Inc., at cj@cjaslaw.com; Paul A. Boudreau and John J. McDermott, attorneys for the National Apartment Association at paulb@brydonlaw.com and jmcdermott@naahq.org; and the Office of the Public Counsel at opcservice@ded.mo.gov this 31st day of December 2010.

/s/ Jennifer Hernandez