

**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,)	
and National Water & Power, Inc.)	
)	
Respondents.)	

**RESPONDENTS' MOTION FOR LEAVE
TO FILE SUPPLEMENTAL
AFFIDAVIT OF JAMES MATHES**

Respondents Aspen Woods Apartment Associates, L.L.C.'s ("Aspen Woods") and National Water & Power, Inc. ("NWP") respectfully move that the Commission accept for filing the Supplemental Affidavit of James Mathes filed herewith. As grounds, Respondents state as follows:

1. Respondents filed their Motion for Summary Determination on October 26, 2010. Filed with that Motion was the Affidavit of James Mathes. At paragraph 20, that Affidavit discussed criteria necessary to lease an apartment from Aspen Woods and stated that "Aspen Woods does not offer the apartments to the general public indiscriminately." The eligibility criteria were attached.
2. By this Motion, Respondents seek to submit a Supplemental Affidavit of James Mathes with their Reply to Staff and OPC's Opposition to Joint Motion for

Summary Determination. The purpose of the Supplemental Affidavit is to quantify the number of apartment applications received and those rejected in 2009 and 2010. As stated in the Reply Memorandum, the Affidavit is submitted to the extent that it may assist the Commission in determining whether Aspen Woods makes indiscriminate lease offerings to the general public, or instead whether it enters into private contracts with those it chooses to contract with.

WHEREFORE, Respondents respectfully move that the Commission enter its order permitting the filing of the Supplemental Affidavit of James Mathes, tendered herewith.

Respectfully submitted,

HUSCH BLACKWELL LLP

By: /s/ Lowell D. Pearson
LOWELL D. PEARSON #46217
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

COUNSEL FOR ASPEN WOODS APARTMENT
ASSOCIATES, LLC

JOHNSON & SPORLEDER, LLP

By: /s/ Craig S. Johnson
CRAIG S. JOHNSON # 28179
304 E. High St., Suite 200
P.O. Box 1670
Jefferson City, MO 65102
Telephone: 573-659-8734
Facsimile: 573-761-3587
Email: cj@cjaslaw.com

COUNSEL FOR NATIONAL WATER & POWER,
INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served by electronic mail and United States mail, postage prepaid, to the following parties of record this 15th day of December, 2010:

Jennifer Hernandez
Rachel Lewis
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

Craig S. Johnson
Johnson & Sporleder, LLP
304 E. High Street, Suite 200
P.O. Box 1670
Jefferson City, MO 65102

Paul Boudreau
Brydon Swearengen & England, P.C.
312 East Capitol Avenue
Jefferson City, MO 65101

/s/ Lowell D. Pearson