

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 22nd day
of December, 2010.

The Staff of the Missouri Public Service Commission,)	
)	
)	
Complainant,)	
)	
v.)	
)	
Aspen Woods Apartment Associates, L.L.C., and National Water & Power, Inc.)	
)	
Respondents.)	

File No. WC-2010-0227

ORDER REGARDING STAFF'S MOTION FOR RECONSIDERATION

Issue Date: December 22, 2010

Effective Date: December 22, 2010

On December 1, 2010, at the Commission's Agenda meeting, the Commissioners directed the Regulatory Law Judge to issue an order setting a date to hear oral arguments, and specifically directed that the parties be ordered to provide them with additional information as described in paragraph 3 of the order:

No later than December 31, 2010, the parties shall file a report delineating the number of Missouri apartment complexes that are *similarly situated to the complexes owned and/or managed by Aspen Woods Apartment Associates, L.L.C., that pass-through costs of utility services to their tenants and that may be affected by this litigation* should the Commission determine it has jurisdiction in this instance. (Emphasis added).

On December 13, 2010, the Commission's Staff filed a motion for reconsideration of this portion of the Commission's order. Staff contends that, in the above order, the Commission has mischaracterized the legal issues of this case. Staff asserts that it has consistently

asserted that the Respondents are doing more than passing through the costs of utility service to the tenants; therefore, according to Staff, the number of Missouri apartment complexes that “pass-through costs of utility service to their tenants” is not relevant to this matter. Staff requests the Commission rescind this portion of the order.

The Commission fully understands the issues in this matter. The order qualifies that the report should focus on apartment complexes “similarly situated” to Aspen Woods Apartment Associates, L.L.C. “that pass-through costs of utility services to their tenants and that may be affected by this litigation.” Staff has emphasized the wrong words in the order. The report is to focus on apartment complexes essentially engaged in the same, or similar, practices as Aspen Woods.

The Commission has directed all of the parties to this matter to respond in kind, not just Staff. The Respondents have filed responses to Staff’s motion stating they fully understood what was required by the order and understand that the Commission has not characterized the issues in this matter. The Commission directed this information be filed so it may consider the full ramifications of the issues before it, a duty it is statutorily required to perform. Staff’s motion will be denied.

THE COMMISSION ORDERS THAT:

1. The Staff of the Missouri Public Service Commission’s Motion for Reconsideration is denied.

2. To the extent the Commission’s December 1, 2010 order required clarification, it is so clarified by this order.

3. This order shall become effective immediately upon issuance.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'S. C. Reed', written in a cursive style.

Steven C. Reed
Secretary

(S E A L)

Clayton, Chm., Davis, Jarrett, Gunn,
and Kenney, CC., concur.

Stearley, Senior Regulatory Law Judge