

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

The Staff of the Missouri Public Service Commission,

Complainant,

v.

Aspen Woods Apartment Associates, L.L.C.,
Barry Howard, Aspen Woods Apartments,
Sapal Associates, Sachs Investing Co.,
Michael Palin, Jerome Sachs, and National
Water & Power, Inc.

Respondents.

File No. WC-2010-0227

ORDER ESTABLISHING A PROCEDURAL SCHEDULE

Issue Date: September 7, 2010

Effective Date: September 7, 2010

On September 3 2010, the Commission’s Staff and Aspen Woods Apartment Associates, L.L.C. jointly filed a proposed procedural schedule. The Commission finds some of the proposal to be reasonable, but also finds some modifications are required. The Commission believes a firmly established date for a hearing along with pre-filed testimony is required in order to keep this matter from languishing. Additionally, there will be no deadline for dispositive motions as was proposed. Settlement proposals as well as dispositive motions will be received at any time prior to the evidentiary hearing. The Commission will also require regularly scheduled status reports. The parties may propose expediting this schedule at any time, and may request a prehearing conference at any time to resolve preliminary matters or discovery disputes.

THE COMMISSION ORDERS THAT:

1. The following procedural schedule is established:

Direct Testimony	- March 7, 2011
Rebuttal Testimony	- March 28, 2011
Surrebuttal Testimony	- April 4, 2011
Joint Stipulation of Non-Contested Material Facts	- April 11, 2010
List of Issues, List of Witnesses, Order Of Witnesses, Order of Parties for Cross-Examination, Order of Opening Statements	- April 18, 2011
Position Statements	- April 18, 2011
Evidentiary Hearing	- May 2-4, 2011, beginning at 8:30 a.m.
Transcripts	- May 18, 2011
Simultaneous Post-Hearing Briefs	- June 16, 2011
Proposed Findings of Fact and Conclusions of Law	- June 16, 2011

2. The parties shall comply with the following additional procedural requirements:

(A) Testimony shall be prefiled as defined in Commission Rule 4 CSR 240-2.130.

All parties must comply with this rule, including the requirement that testimony be filed on line-numbered pages.

(B) The parties shall agree upon and Staff shall file a list of the issues to be heard, the witnesses to appear on each day of the hearing, the order in which they will be called, and the order of party cross-examination for each witness. The list of issues shall be stated with particularity. If the parties are unable to agree to an issues list, each party shall file a separate issues list.

(C) Each party shall file a simple and concise statement summarizing its position on each disputed issue.

(D) All pleadings, briefs, and amendments shall be filed in accordance with Commission Rule 4 CSR 240-2.080. Briefs shall follow the same list of issues as filed in the case and must set forth and cite the proper portions of the record concerning the unresolved issues that the parties believe require decision by the Commission.

(E) All parties shall bring an adequate number of copies of exhibits that they intend to offer into evidence at the hearing. If an exhibit has not been prefiled, the party offering it must bring, in addition to the copy for the court reporter, copies for the five Commissioners, the Presiding Judge, and all counsel.

(F) All parties shall provide copies of testimony (including schedules), exhibits, and pleadings to other counsel by electronic means and in electronic form, essentially contemporaneously with the filing of such testimony, exhibits, or pleadings where the information is available in electronic format (.PDF, .DOC, .WPD, or .XLS). Parties are not required to put information that does not exist in electronic format into electronic format for purposes of exchanging it.

(G) The parties shall make an effort not to include highly confidential or proprietary information in data request questions. If highly confidential or proprietary information must be included in data request questions, the highly confidential or proprietary information shall be appropriately designated as such pursuant to Commission Rule 4 CSR 240-2.135.

(H) Each party serving a data request on another party shall provide an electronic copy of that data request to counsel for all other parties contemporaneously with when the data request is served on the party from whom the response is requested. Any party seeking a copy of the response to a data request issued by another party shall serve that request on the party to whom the original request was directed.

(I) Until rebuttal testimony is filed on March 28, 2011, the response time for all data requests shall be fifteen calendar days, with ten calendar days to object or notify the requesting party that more than fifteen calendar days will be needed to provide the requested information. After March 28, 2011, the response time for data requests shall be five calendar days to provide the requested information and three calendar days to object or notify the requesting party that more than five calendar days will be needed to provide the requested information.

(J) Documents filed in EFIS are properly served if provided to counsel of record for all other parties via e-mail.

(K) In the event that the parties reach a settlement of all of the issues, such settlement shall not be grounds for a continuance of the hearing unless the agreement is final, has been submitted to the Commission in writing, and there are no objections to the agreement.

(3) The parties shall jointly file a status reports on October 29, 2010, December 30, 2010 and February 28, 2011.

(4) This order shall become effective immediately upon issuance.

BY THE COMMISSION



**Steven C. Reed
Secretary**

(S E A L)

Harold Stearley, Senior Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 7th day of September, 2010.