

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.,
and National Water & Power, Inc.

Respondents.

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File No. WC-2010-0227

ORDER STAYING COMPLAINT AND OPENING WORKSHOP

Issue Date: January 13, 2011

Effective Date: January 13, 2011

On January 29, 2010, the Staff of the Missouri Public Service Commission filed a complaint with the Commission against the Respondents alleging that Respondents either individually or jointly, own, operate, control and/or manage water and sewer corporations and public utilities that are subject to the Commission's jurisdiction without proper Commission approval. Among other things, Respondent Aspen Woods Apartment Associates, L.L.C. ("Aspen Woods") is alleged to manage several apartment complexes, and National Water and Power, Inc. ("NWP") is alleged to be a billing agent for Aspen Woods, which charges Aspen Woods' tenants fees for water and sewer service that Aspen Woods obtains from other entities.

On October 26, 2010, Respondents filed a joint motion for summary determination arguing the Commission lacked jurisdiction because they did not indiscriminately dedicate their property for the provision of utility service to the general public. A series of responsive

pleadings with various requests for extensions ensued. Ultimately, the Commission heard oral arguments on the motion on January 3, 2011.

The issues involved in this matter involve a complex interplay between the statutes and regulations governing public utilities, consumer protection, and contract law. Any ultimate decisions regarding the interpretation and application of law and policy in this matter will have a major affect on Missouri citizens receiving utility service in landlord-tenant relationships. Consequently, the Commission will stay this action and open a workshop to allow all stakeholders the opportunity to accurately delineate the full reach of the Commission's jurisdiction and what appropriate regulations and mechanisms are required to ensure safe and adequate utility services are being provided to this segment of Missouri ratepayers at just and reasonable rates.

THE COMMISSION ORDERS THAT:

1. The Complaint filed by the Staff of the Missouri Public Service Commission is stayed.
2. Pursuant to the Commission's investigatory authority under Chapters 386 and 393, RSMo, the Commission shall open a separate file to investigate the proper regulation of utility services provided in Missouri landlord-tenant relationships. This file will be opened by separate notice.
3. This order shall be effective immediately upon issuance.

(S E A L)

BY THE COMMISSION



Steven C. Reed
Secretary

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

Dated at Jefferson City, Missouri,
on this 13th day of January, 2011.