

## TRANSCRIPT OF PROCEEDINGS

Prehearing Conference

March 23, 2010  
Jefferson City, Missouri  
Volume 1

Staff of the Missouri Public Service Commission, )

Petitioner, )

vs. ) File No. WC-2010-0227

Aspen Woods Apartment Associates, )  
LLC, Barry Howard, Aspen Woods )  
Apartments, Sapal Associates, )  
Sachs Investing Company, Michael )  
Palin, Jerome Sachs, and National )  
Water & Power, Inc. )

Respondent . )

HAROLD STEARLEY, Presiding  
SENIOR REGULATORY LAW JUDGE

REPORTED BY: Monnie S. Mealy, CCR, CSR, RPR  
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1                                   A P P E A R A N C E S

2   For Staff of the Missouri Public Service Commission:

3                           Ms. Jennifer Hernandez  
4                           Public Service Commission  
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9   For Aspen Woods Apartment Associates, LLC and Barry  
10   Howard:

11                           Mr. Lowell Pearson  
12                           and Mr. John M. Roodhouse  
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18   For National Water & Power Services Corporation:

19                           Mr. Craig Johnson  
20                           Berry Wilson  
21                           304 East High Street  
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24                           Mr. Michael Foote  
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1 P R O C E E D I N G S

2 JUDGE STEARLEY: Good morning. Today is March  
3 23rd, 2010. We are here for a prehearing conference in  
4 the case styled the Staff of the Missouri Public Service  
5 Commission versus Aspen Woods Apartment Associates, LLC,  
6 Barry Howard, Aspen Woods Apartments, Sapal Associates,  
7 Sachs Investing Company, Michael Palin, Jerome Sachs and  
8 National Water & Power, Inc., which is File No.  
9 WC-2010-0227.

10 My name is Harold Stearley. I'm the Regularly  
11 Law Judge presiding over this matter. Our court reporter  
12 this morning is Monnie Mealy. And we'll begin by taking  
13 entries of appearance starting with Staff of the Missouri  
14 Public Service Commission.

15 MS. HERNANDEZ: Good morning, your Honor. I  
16 hope everyone on the phone can hear me. This is Jennifer  
17 Hernandez. I'm appearing for the Staff of the Missouri  
18 Public Service Commission. Our address is P.O. Box 360,  
19 Jefferson City, Missouri, 65102.

20 JUDGE STEARLEY: Thank you, Ms.  
21 Hernandez. Mr. Foote and Mr. Johnson, can you hear us all  
22 right?

23 MR. FOOTE: Yes, I can, Judge. Yes. Thank you.

24 JUDGE STEARLEY: Good. And Aspen Woods  
25 Apartment Associates, LLC?

1                   MR. PEARSON: Lowell Pearson and John Roodhouse  
2     from Husch, Blackwell, Sanders. We're representing Aspen  
3     Woods Apartment Associates, LLC and, also, Barry Howard.  
4     Thank you.

5                   JUDGE STEARLEY: All right. Thank you,  
6     Mr. Pearson. For National Water & Power Services  
7     Corporation?

8                   MR. JOHNSON: Yes, Judge. This is Craig  
9     Johnson, Berry Wilson, LLC, 304 East High, Jefferson City,  
10    Missouri, 65102. And I hope Mr. Foote, Michael Foote, is  
11    also on the phone with us today.

12                  MR. FOOTE: Yes. I am here as well. This is  
13    Michael Foote with NWP Services Corporation.

14                  JUDGE STEARLEY: All right. And the Office of  
15    the Public Counsel -- I see no one here for Public  
16    Counsel, so we'll let the record reflect that they have  
17    not entered appearance for today's prehearing conference.

18                  And it's my understanding we have a number of  
19    Respondents who have been dismissed by Staff at this  
20    point. So --

21                  MS. HERNANDEZ: That is correct, your Honor.

22                  JUDGE STEARLEY: If my list is complete, Sapal  
23    Associates, Sachs Investing Company, Michael Palin, Jeremy  
24    Sachs and Barry Howard?

25                  MS. HERNANDEZ: Correct.

1 JUDGE STEARLEY: So those Respondents are no  
2 longer involved. And I don't believe we've heard anything  
3 from Aspen Woods Apartments as an entity. We've had a  
4 response from Aspen Woods Apartment Associates, LLC.

5 MS. HERNANDEZ: Correct. That would also be  
6 included in the dismissal yesterday, Aspen Woods  
7 Apartments.

8 JUDGE STEARLEY: Okay.

9 MS. HERNANDEZ: They were also represented by  
10 Ms. Crystal Hall.

11 JUDGE STEARLEY: Okay.

12 MS. HERNANDEZ: Who represented Sapal  
13 Associates, Sachs Investing, Michael Palin.

14 JUDGE STEARLEY: So they're out now as well?

15 MS. HERNANDEZ: Correct.

16 JUDGE STEARLEY: Okay. So we're down to Aspen  
17 Woods Apartment Associates, LLC, and National Water &  
18 Power Services Corporation, Incorporated?

19 MS. HERNANDEZ: Yes, your Honor.

20 JUDGE STEARLEY: All right. Mr. Foote, how is  
21 your progress going with the pro hac vice situation? Or  
22 is Mr. Johnson going to be formally representing National  
23 Water & Power?

24 MR. FOOTE: I expect to hear back from the  
25 Supreme Court on our -- on the application here shortly.

1 But everything has been submitted.

2 JUDGE STEARLEY: All right. Thank you,  
3 Mr. Foote. As was indicated in the procedural order, I'd  
4 like the parties to file a procedural schedule a week from  
5 today.

6 However, if the parties are needing more time or  
7 if they're engaged in negotiations, if they'd rather file  
8 a status report, just inform the Commission where we're  
9 at, and that is also acceptable.

10 If you do file a procedural schedule and are  
11 planning on proceeding towards a hearing or at least  
12 setting that as -- as you continue with your negotiations,  
13 I would like you to be -- build into your procedural  
14 schedule a date for filing a joint stipulation of  
15 non-contested material facts.

16 And please inform the Commission if you're going  
17 to be filing prefiled testimony or if the parties have a  
18 preference for live testimony. I have brought with me a  
19 couple of our adjudication calendars if you guys are  
20 needing to set deadlines.

21 MS. HERNANDEZ: Thank you.

22 JUDGE STEARLEY: We're pretty booked for the  
23 next upcoming months as Staff, I'm sure, is very aware of.  
24 And I have some conflict dates as well. So if the parties  
25 are looking to set up anything the week -- I believe it's

1 Monday, June 8th through the 11th, I will be unavailable.  
2 And I'll also be unavailable -- I believe it's July 14th  
3 through 16th, which is a -- if I remember right, a  
4 Wednesday through Friday. Are there any matters we need  
5 to take up at this time?

6 MS. HERNANDEZ: In the procedural schedule, your  
7 Honor, would you like Staff to file an issue list and  
8 order of cross-examination?

9 JUDGE STEARLEY: Yes.

10 MS. HERNANDEZ: Okay.

11 JUDGE STEARLEY: Yeah. Issue list, witness  
12 list, proposed order of cross.

13 MS. HERNANDEZ: I believe that's all I have for  
14 the on-the-record portion.

15 JUDGE STEARLEY: Okay.

16 MR. PEARSON: We have nothing else, your Honor.  
17 Thank you.

18 JUDGE STEARLEY: All right. Well, hearing  
19 nothing else, we will conclude the on-the-record portion  
20 of the prehearing conference. I'll leave the parties to  
21 their discussions. And we'll see what you all file next  
22 week.

23 MS. HERNANDEZ: Thank you.

24 MR. PEARSON: Thank you for your time.

25 MR. JOHNSON: Thank you, Judge.

1 MR. FOOTE: Thank you, your Honor.

2 JUDGE STEARLEY: Thank you for your time.

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## 1 REPORTER'S CERTIFICATE

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3 STATE OF MISSOURI )  
 )ss.  
4 COUNTY OF OSAGE )

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6 I, Monnie S. Mealy, Certified Shorthand Reporter,  
7 Certified Court Reporter #0538, and Registered  
8 Professional Reporter, and Notary Public, within and for  
9 the State of Missouri, do hereby certify that I was  
10 personally present at the proceedings as set forth in the  
11 caption sheet hereof; that I then and there took down in  
12 stenotype the proceedings had at said time and was  
13 thereafter transcribed by me, and is fully and accurately  
14 set forth in the preceding pages.

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20 Monnie S. Mealy, CSR, CCR #0539

21 Registered Professional Reporter

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