

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 DIRECTING FILING

Issue Date: October 12, 2010

Effective Date: October 12, 2010

On October 11, 2010, National Water and Power, Inc. ("NWP") filed a response objecting to the Commission's Staff's motion for leave to amend its complaint. The Commission will set a deadline for Staff to reply.

Also in its response, NWP asserts the key issue in this case is whether Respondents meet the legal definition of water or sewer utilities subject to the jurisdiction of this Commission. NWP indicates it is preparing a motion on this issue. Because the jurisdictional issue could be dispositive of this matter the Commission will direct expeditious briefing on this issue.

THE COMMISSION ORDERS THAT:

1. The Staff of the Missouri Public Service Commission shall reply to National Water and Power, Inc.'s October 11, 2010 pleading no later than October 22, 2010.
2. National Water and Power, Inc. shall file its motion challenging the Commission's

jurisdiction (fully briefing the issue) and any supporting evidence no later than November 1, 2010.

3. The Staff of the Missouri Public Service Commission shall respond to National Water and Power, Inc.'s motion challenging the Commission's jurisdiction (fully briefing the issue), and any supporting evidence it may have, no later than November 22, 2010.

4. This order shall become effective immediately upon issuance.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'S. Reed', is positioned above the printed name of the Secretary.

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 12th day of October, 2010.