

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

The Staff of the Missouri Public Service Commission,

Complainant,

v.

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

Respondents.

Case No. WC-2010-0227

**STAFF VOLUNTARY DISMISSAL WITHOUT PREJUDICE OF RESPONDENTS
ASPEN WOODS APARTMENTS, SAPAL ASSOCIATES, SACH INVESTING CO.,
MICHAEL PALIN, AND JEROME SACHS**

COMES NOW the Staff of the Missouri Public Service Commission (Staff), by and through the undersigned counsel, and pursuant to 4 CSR 240-2.116 voluntarily dismisses without prejudice Respondents Aspen Woods Apartments, Sapal Associates, Sach Investing Co., Michael Palin, and Jerome Sachs from this case, respectfully stating to the Missouri Public Service Commission the following:

1. On January 29, 2010, the Staff filed a *Complaint* against the above-named Respondents asserting that either individually and/or jointly, all Respondents are a water corporation and sewer corporation owning, operating, managing and/or controlling the Aspen Woods Apartment Properties' water and sewer services for gain as defined in Sections 386.020 (59) and (49), respectively, and thus public utilities as defined in Section 386.020 (43), RSMo (Supp. 2008), subject to the Commission's jurisdiction.

2. The Staff included Respondents Aspen Woods Apartments, Sapal Associates, Sach Investing Co., Michael Palin, and Jerome Sachs, known collectively herein as

Aspen Woods Apartment Respondents, in this matter due to Aspen Woods Apartment Respondents' active registration with the Missouri Secretary of State up until October 16, 2009, and the Respondents Sapal Associates', Sach Investing Co.'s, Michael Palin's, and Jerome Sachs' ownership therein. Additionally, at the time of the Staff's filing of its *Complaint*, both the Saint Louis Metropolitan Sewer District and Missouri-American Water Company accounts for services provided to the apartment complex described in the Staff's *Complaint* remained in the name of Sapal Associates.

3. As mentioned in the Staff's March 15, 2010 filing, communications with the named parties were thwarted previous to the filing of the *Complaint*. Since early February 2010, the undersigned has spoken with representatives and counsel for the Aspen Woods Apartment Respondents, during which a timeline of ownership has become more clear. Based on the affidavit filed on March 17, 2010, on behalf of the Aspen Woods Apartment Respondents, the Staff voluntarily dismisses without prejudice Respondents Aspen Woods Apartments, Sapal Associates, Sach Investing Co., Michael Palin, and Jerome Sachs from this case.

Respectfully submitted,

/s/Jennifer Hernandez

Jennifer Hernandez

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above was served upon the attorneys/parties of record via electronic mail to John M. Roodhouse and Lowell D. Pearson, attorneys for Aspen Woods Apartment Associates, LLC, and Barry Howard at john.roodhouse@huschblackwell.com and lowell.pearson@huschblackwell.com; Crystal K. Hall and John G. Young, Jr., attorneys for Aspen Woods Apartments, Sapal Associates, Sachs Investing Co., Michael Palin, and Jerome Sachs at chall@stinson.com; Craig S. Johnson, attorney for National Water & Power, Inc. at craigsjohnson@berrywilsonlaw.com; and the Office of the Public Counsel at opcservice@ded.mo.gov this 22nd day of March 2010.

/s/ Jennifer Hernandez