

**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 GIVING NOTICE OF DEFICIENCY AND DIRECTING NATIONAL  
WATER AND POWER SERVICES CORPORATION TO SHOW CAUSE**

Issue Date: June 7, 2010

Effective Date: June 7, 2010

On January 29, 2010, the Staff of the Missouri Public Service Commission ("Staff") filed a complaint with the Commission against the Respondents listed above. Notice was issued on February 2, 2010, and the Respondents were directed to answer no later than March 4, 2010. On March 3, 2010, National Water and Power Services Corporation ("NWPSC") attempted to file an answer.<sup>1</sup> The answer was submitted by Michael Foote, Corporate Counsel. Mr. Foote, Colorado Bar No. 32249, had not established that he was authorized to practice law in the State of Missouri.

On March 4, 2010, the Commission gave notice to NWPSC and Mr. Foote that he must seek approval of this State's Supreme Court to appear *pro hac vice*, and must comply

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<sup>1</sup> National Water and Power, Inc. is apparently an affiliated entity and a co-respondent with NWPSC, but both entities are referred to collectively as NWPSC for purposes of this order.

with this Commission's rules in order to appear and practice before this Commission. A copy of the relevant Supreme Court and Commission Rules were provided.

On March 10, 2010, the Commission granted NWPSC a one-week extension to correct this deficiency. NWPSC secured local counsel during that time frame, but Mr. Foote still failed to establish that he had complied with this State's rules to practice before this tribunal.

On May 25, 2010, local counsel for NWPSC requested that the Commission allow him to withdraw. To date, Mr. Foote has still not provided the Commission with documentation establishing that he has been authorized to practice in this state and if the Commission grants local counsel's motion to withdraw, which no party has opposed within the time period allowed for responses, NWPSC will be devoid of any valid legal representation.

If NWPSC fails to secure counsel and conduct itself in conformity with Missouri law, the Commission will have to decide if it will reject NWPSC answer to the complaint and deem it to be in default. Consequently, NWPSC will be directed to correct the deficiencies with its representation and show cause why it should not be held in default and all of Staff's allegations be deemed admitted.

**THE COMMISSION ORDERS THAT:**

1. No later than June 18, 2010, National Water and Power Services Corporation shall correct the deficiencies with its representation and shall show cause why its answer should not be rejected, it be found in default, and the factual allegations in the Staff of the Missouri Public Service Commission's complaint be deemed admitted.

2. This order shall become effective immediately upon issuance.

**BY THE COMMISSION**

( S E A L )

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

**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 7th day of June, 2010.