

**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 GRANTING MOTION FOR EXTENSION OF TIME WITH
MODIFICATION**

Issue Date: November 19, 2010

Effective Date: November 19, 2010

On October 27, 2010, the Commission granted Staff's request to amend its complaint. The Commission further ordered the Respondents, Aspen Woods Apartment Associates, L.L.C. ("Aspen Woods") and the National Water and Power, Inc. ("NWP"), to file a response to the amended complaint no later than November 22, 2010. On November 18, 2010, Aspen Woods filed a motion for an extension of time for their response. On November 19, 2010, NWP filed its response.

Aspen Woods notes that there is a pending motion for summary determination before the Commission, and should the Commission grant that motion it will have incurred unnecessary legal expenses responding to the amended complaint. Aspen Woods further observes that Staff's amended complaint identified two previously un-named apartment complexes, i.e. "Madison at Seven Trails" and Madison at Walnut Creek." Aspen Woods states that these entities have not been properly served with a copy of the amended

complaint. Aspen Wood's current motion appears to imply that it has no knowledge of these entities.

Staff's amended complaint, *inter alia*, alleges that Aspen Woods owns, operates, controls, and/or manages individually, and/or through the use of an authorized agent several apartment complexes: "Madison at Aspen Woods," located in Florissant, Missouri; "Madison at Seven Trails," located in Ballwin, Missouri; and Madison at Walnut Creek," located in Kansas City, Missouri. Staff's amended complaint provides very specific information about each complex.

Aspen Woods motion is partially reasonable and will be partially granted. It will be of little burden for Aspen Woods to file a pleading admitting or denying if they own, operate, control, and/or manage individually, and/or through the use of an authorized agent "Madison at Aspen Woods," "Madison at Seven Trails" and Madison at Walnut Creek" by the November 22, 2010 deadline. A full response to the amended complaint will be delayed until the Commission rules on the pending motion for summary determination.

THE COMMISSION ORDERS THAT:

1. Aspen Woods Apartment Associates, L.L.C.'s Motion for Extension of Time is granted with modification.

2. The deadline of November 22, 2010, requiring Aspen Woods to file a full reply to Staff's Amended Complaint is canceled.

3. No later than November 22, 2010, as a partial response to Staff's amended complaint, Aspen Woods Apartment Associates, L.L.C. shall file a pleading admitting or denying if it owns, operates, controls, and/or manages individually, and/or through the use of an authorized agent "Madison at Aspen Woods," "Madison at Seven Trails" and Madison

at Walnut Creek” – the housing complexes identified with particularity in Staff’s amended complaint filed on October 5, 2010. If Aspen Woods Apartment Associates, L.L.C. denies owning, operating, controlling, and/or managing individually, and/or through the use of an authorized agent “Madison at Aspen Woods,” “Madison at Seven Trails” and Madison at Walnut Creek,” it shall, to the extent that it has knowledge thereof, identify who owns, operates, controls, and/or manages “Madison at Aspen Woods,” “Madison at Seven Trails” and Madison at Walnut Creek.”

4. Aspen Woods Apartment Associates, L.L.C. shall reply in full to Staff’s amended complaint no later than seven calendar days following an order of the Commission denying the pending motion for summary determination. If the motion for summary determination is granted, this deadline is canceled.

5. This order shall become effective immediately upon issuance.

BY THE COMMISSION



**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 19th day of November, 2010.