

**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

JOINT MOTION TO RESCHEDULE HEARING

COME NOW the Staff of the Missouri Public Service Commission (Staff), National Water & Power, Inc. (NWP), Aspen Woods Apartment Associates, LLC (Aspen Associates), the National Apartment Association and the Office of the Public Counsel, collectively known herein as the “Parties”, and by and through the undersigned counsel state the following to the Commission:

1. On September 3, 2010, the Parties filed a *Joint Proposed Procedural Schedule* that the Commission adopted in part by order on September 7, 2010. The Commission’s order set the evidentiary hearing in this matter for May 2-4, 2011.

2. Also on September 7, 2010, the Commission scheduled an evidentiary hearing in Case No. ER-2011-0028, for April 18 through 22, and April 25 through 29, 2011. The Commission also scheduled May 16 and 17, 2011, for the true-up hearing. The Commission’s order also directed the parties of ER-2011-0028 to file a proposed procedural schedule on or before October 19, 2010.

3. Through Commission approved extensions of time, the parties in ER-2011-0028 filed an *Agreement As To Proposed Procedural Schedule, Related Procedural Items, And Test Year True-Up Cut Off Dates (Agreement)* on November 1, 2010. Paragraph five (5) of that pleading states:

The Proponents are requesting that the Commission change the evidentiary hearing dates that it set in its September 7th Order from the two weeks April 18-22 and April 25-29 to the two-plus weeks Tuesday, April 26-29; May 2-6; and Tuesday -Wednesday, May 10-11, with Thursday-Friday May 12-13 held in reserve, to be used only if necessary. The proponents are also requesting that the true-up hearings be moved from May 16-17 to May 31-June 1. Currently, File No. WC-2010-0227 is scheduled for evidentiary hearing on May 2-4, 2011. Undersigned Staff counsel has been advised by Staff counsel in File No. WC-2010-0227 that all parties involved in that Staff complaint case have graciously agreed to a rescheduling of the evidentiary hearing in File No. WC-2010-0227 in order to allow the above schedule to be entered in this Ameren Missouri matter. Thus, the Proponents are also requesting a rescheduling of the May 2-4, 2011 evidentiary hearing in File No. WC-2010-0227.

4. As stated in the ER-2011-0028 case filing cited above, this case is scheduled for evidentiary hearing on May 2-4, 2011. To accommodate the procedural schedule necessary in the Ameren Missouri matter, the Parties to this case have agreed to propose a rescheduling of the evidentiary hearing to the Commission.

5. Counsel for NWP states conflicts on May 16-17 and May 23-24, 2011.

6. At the time of this filing, the Commission's calendar shows May 18-20, 2011, as available for an evidentiary hearing in this matter. The parties to this matter request their hearing be rescheduled for those dates.

WHEREFORE, the Parties submit this joint motion for the Commission's information and consideration, and request that the Commission issue an order rescheduling the evidentiary hearing in this case for May 18-20, 2011, leaving the remaining procedural schedule in this case unchanged.

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 Lowell D. Pearson, attorney for Aspen Woods Apartment Associates, LLC, at lowell.pearson@huschblackwell.com; Craig S. Johnson, attorney for National Water & Power, Inc., at craigsjohnson@berrywilsonlaw.com; Paul A. Boudreau and John J. McDermott, attorneys for the National Apartment Association at paulb@brydonlaw.com and jmcdermott@naahq.org; and the Office of the Public Counsel at opcservice@ded.mo.gov this 5th day of November 2010.

/s/ Jennifer Hernandez