

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

The Staff of the Missouri Public Service Commission,)	
)	
)	
Complainant,)	
)	
v.)	Case No. WC-2010-0227
)	
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.)	

ANSWER

COMES NOW Respondent Barry Howard, ("Respondent"), submitting his Answer, and answers the respective paragraphs of the Complaint as follows:

1. Deny.
2. Respondent admits only that § 386.390.1 is accurately quoted in paragraph
2. The remainder of the allegations in paragraph 2 call for a legal conclusion and are therefore denied.
3. Admit.
4. Admit.
5. Deny.
6. Respondent is without sufficient information to admit or deny, and asserts a denial based on that ground.
7. Respondent is without sufficient information to admit or deny, and asserts a denial based on that ground.

8. Respondent is without sufficient information to admit or deny, and asserts a denial based on that ground.

9. Respondent is without sufficient information to admit or deny, and asserts a denial based on that ground.

10. Respondent is without sufficient information to admit or deny, and asserts a denial based on that ground.

11. Complainant's use of the term "Apartment Respondents" includes parties unknown to Respondent. To the extent a response is required to this averment, Respondent is without sufficient information to admit or deny, and asserts a denial based on that ground.

12. Respondent is without sufficient information to admit or deny, and asserts a denial based on that ground.

13. Respondent is without sufficient information to admit or deny, and asserts a denial based on that ground.

14. Respondent denies that he owns, operates, manages and/or controls the Aspen Apartment Properties' buildings. Respondent is without sufficient information to admit or deny as to the other "Apartment Respondents", and asserts a denial based on that ground.

15. Respondent admits that § 386.020(60) RSMo (Supp. 2008) is accurately quoted in paragraph 15.

16. Respondent admits that § 386.020(59) RSMo (Supp. 2008) is accurately quoted in paragraph 16.

17. Respondent admits that § 386.020(50) RSMo (Supp. 2008) is accurately quoted in paragraph 17.

18. Respondent admits that § 386.020(49) RSMo (Supp. 2008) is accurately quoted in paragraph 18.

19. Respondent admits that § 386.020(43) RSMo (Supp. 2008) is accurately quoted in paragraph 19.

20. Respondent admits that § 386.020(48) RSMo (Supp. 2008) is accurately quoted in paragraph 20.

21. Deny.

22. Respondent admits only that Complainant's Exhibit B speaks for itself. To the extent a further response is required, Respondent denies the allegations.

23. Respondent admits only that Complainant's Exhibit B speaks for itself. To the extent a further response is required, Respondent denies the allegations.

24. Respondent is without sufficient information to admit or deny, and asserts a denial based on that ground. Complainant's use of the term "Apartment Respondents" includes parties unknown to Respondent. To the extent a further response is required, Respondent is without sufficient information to admit or deny the remainder of the allegations and asserts a denial based on that ground.

25. Respondent is without sufficient information to admit or deny, and asserts a denial based on that ground. Complainant's use of the term "Apartment Respondents" includes parties unknown to Respondent. Respondent is therefore without sufficient information to admit or deny the remainder of the allegations and asserts a denial based on that ground.

26. Respondent is without sufficient information to admit or deny, and asserts a denial based on that ground. Complainant's use of the term "Apartment Respondents" includes parties unknown to Respondent. Respondent is therefore without sufficient information to admit or deny the remainder of the allegations and asserts a denial based on that ground.

27. Respondent denies that he contracts with Respondent NWP. Complainant's use of the term "Apartment Respondents" includes parties unknown to Respondent. Respondent is therefore without sufficient information to admit or deny the remaining allegations, and asserts a denial based on that ground.

28. Respondent admits only that Complainant's Exhibit C speaks for itself. To the extent a further response is required, Respondent is without sufficient information to admit or deny, and asserts a denial based on that ground.

29. Respondent admits only that Complainant's Exhibit C speaks for itself. To the extent a further response is required, Respondent is without sufficient information to admit or deny, and asserts a denial based on that ground.

30. Respondent admits only that Complainant's Exhibit C speaks for itself. To the extent a further response is required, Respondent is without sufficient information to admit or deny, and asserts a denial based on that ground.

31. Respondent admits only that Complainant's Exhibit C speaks for itself. To the extent a further response is required, Respondent is without sufficient information to admit or deny, and asserts a denial based on that ground.

32. Respondent admits only that Complainant's Exhibit C speaks for itself. To the extent a further response is required, Respondent is without sufficient information to admit or deny, and asserts a denial based on that ground.

33. Respondent admits only that Complainant's Exhibit D speaks for itself. To the extent a further response is required, Respondent is without sufficient information to admit or deny, and asserts a denial based on that ground.

34. Respondent admits only that Complainant's Exhibit E speaks for itself. To the extent a further response is required, Respondent is without sufficient information to admit or deny, and asserts a denial based on that ground.

35. Respondent admits only that Complainant's Exhibit E speaks for itself. To the extent a further response is required, Respondent is without sufficient information to admit or deny, and asserts a denial based on that ground.

36. Respondent admits only that Complainant's Exhibit E speaks for itself. To the extent a further response is required, Respondent is without sufficient information to admit or deny, and asserts a denial based on that ground.

37. Respondent admits only that Complainant's Exhibit E speaks for itself. To the extent a further response is required, Respondent is without sufficient information to admit or deny, and asserts a denial based on that ground.

38. Respondent hereby incorporates its responses to paragraphs one (1) through thirty-seven (37) above.

39. Respondent denies to the extent that these allegations apply to Respondent. Complainant's use of the term "Apartment Respondents" includes parties

unknown to Respondent. Respondent is therefore without sufficient information to admit or deny the remaining allegations and asserts a denial based on that ground.

40. Respondents hereby reincorporate their responses to paragraphs one (1) through thirty-nine (39) above.

41. Respondent admits that § 393.170.1 RSMo is accurately quoted in paragraph 41.

42. Respondent admits that he does not possess a Certificate of Convenience and Necessity. Respondent denies that he has violated Section 393.170. Complainant's use of the term "Apartment Respondents" includes parties unknown to Respondent. Respondent is without sufficient information to admit or deny as to the remaining "Apartment Respondents", and asserts a denial based on that ground.

43. Respondent admits that § 393.130.1 RSMo (Supp. 2008) is accurately quoted in paragraph 43.

44. Paragraph 44 calls for a legal conclusion and is therefore denied.

45. Respondent denies that he has violated Sections 393.130.1 and 393.140(11). Complainant's use of the term "Apartment Respondents" includes parties unknown to Respondent. Respondent is therefore without sufficient information to admit or deny the remaining allegations, and asserts a denial based on that ground.

46. Paragraph 46 calls for a legal conclusion and is therefore denied.

47. Respondent hereby reincorporates his responses to paragraphs one (1) through forty-six (46) above.

48. Respondent admits that § 386.570 is accurately quoted in paragraph 48.

49. Respondent admits that a portion of § 386.600 is accurately quoted in paragraph 49.

50. All allegations not specifically admitted are hereby denied.

WHEREFORE, Respondent prays that the Commission dismiss the Complaint with prejudice, award all attorneys fees and costs associated with defending this matter to Respondent, and for such other relief as may be just and proper in the circumstances.

Respectfully submitted,

HUSCH BLACKWELL SANDERS LLP

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COUNSEL FOR BARRY HOWARD

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served by hand-delivery, facsimile transmission, certified mail, electronic mail and/or United States mail, postage prepaid, to the following parties of record this 4th day of March, 2010:

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