

**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’S RESPONSE TO ORDER DIRECTING FILING

COMES NOW the Staff of the Missouri Public Service Commission (Staff), by and through the undersigned counsel, and respectfully states its response to the Commission’s November 22, 2010, *Order Directing Filing*:

1. On October 5, 2010, the Staff filed its *Motion For Leave To Amend Complaint*.
2. On November 19, 2010, Aspen Woods Apartment Associates, LLC (Aspen Associates), through counsel, filed its *Partial Answer To Amended Complaint (Partial Answer)*.
3. The *Partial Answer* identified Seven Trails Investors, LLC, as the owner of Madison at Seven Trails, and Walnut Woods Apartment Associates, as the owner of Madison at Walnut Creek.
4. As part of the *Amended Complaint*, it was not the Staff’s intent to add additional parties. It was the Staff’s intent to add only two additional apartment properties subject to a single Master Service Agreement. The Master Service Agreement lists Madison at Aspen Woods, Madison at Seven Trails, and Madison at Walnut Creek, therefore Staff seeks to

add the other locations to the case in its *Amended Complaint*. The allegations included in Staff's *Amended Complaint* are based on a reasonable belief that the assertion is true and should be subject to both a complete answer from Respondents and discovery. See Exhibit E of the Staff's *Amended Complaint* attached hereto.

5. With discovery ongoing, the Staff will notify the Commission of any intent to add additional parties to its complaint case if it deems such action necessary.

WHEREFORE, the Staff submits its response to the Commission in compliance with the Commission's November 22, 2010, *Order Directing Filing*.

Respectfully submitted,

/s/ Jennifer Hernandez

Jennifer Hernandez
Associate Staff Counsel
Missouri Bar No. 59814

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Missouri Public Service Commission
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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 24th day of November 2010.

/s/ Jennifer Hernandez