

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 STATUS REPORT

COMES NOW the Staff of the Missouri Public Service Commission (Staff), by and through the undersigned counsel, and for this status report states the following to the Missouri Public Service Commission (Commission):

1. On January 29, 2010, the Staff filed a *Complaint* asserting that either individually and/or jointly, all Respondents are water and sewer corporations and public utilities subject to the Commission's jurisdiction.
2. On March 23, 2010, the Commission convened a prehearing conference, and thereafter, the parties filed a *Joint Proposed Procedural Schedule (Proposed Schedule)* with the Commission on March 30, 2010. Therein, the parties designated March 24, 2010, through July 31, 2010, as the period to strive to complete discovery within, and further agreed that "...any party may file a motion before the Commission for an extension of the discovery period...if discovery proves much more extensive than any party could have anticipated..."

3. On April 1, 2010, the Commission issued an *Order Directing Status Report and The Filing Of A Second Procedural Schedule* stating that “The Commission trusts the parties can conduct their discovery and settlement discussions without mandating deadlines.”

4. The Staff is in receipt of interrogatory responses from both National Water & Power Inc., (NWP) and Aspen Woods Apartment Associates, LLC. (Aspen Associates). Based on the discovery responses, Staff needs more time to conduct additional discovery. This additional discovery may result in a need to amend its *Complaint* to include additional locations and/or parties. The Staff did not know, nor could it have known, the extent of the locations and/or parties allegedly involved when it filed its *Complaint*.

5. While the Staff realizes that the Commission’s order did not mandate an end to discovery on July 31, 2010, the Staff respectfully requests that the Commission treat this pleading as a motion to extend the discovery period based on paragraph four (4) above, if the Commission deems such motion necessary.

WHEREFORE, the Staff submits this status report for the Commission’s information and consideration.

Respectfully submitted,

/s/ Jennifer Hernandez

Jennifer Hernandez

Legal Counsel

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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 John M. Roodhouse and Lowell D. Pearson, attorneys for Aspen Woods Apartment Associates, LLC, at john.roodhouse@huschblackwell.com and lowell.pearson@huschblackwell.com; Craig S. Johnson, attorney for National Water & Power, Inc. at craigsjohnson@berrywilsonlaw.com; and the Office of the Public Counsel at opcservice@ded.mo.gov this 30th day of July 2010.

/s/ Jennifer Hernandez