

**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 Services Corporation)	
)	
Respondents.)	

ANSWER

COMES NOW National Water & Power Services Corporation, a Delaware corporation (“NWP”) in answer to the Complaint submitted by the Staff of the Missouri Public Service Commission (“MO PSC”) and respectfully states as follows:

Introduction

1. Respondent NWP denies the allegations contained in Paragraph 1 of the Complaint.

Complainant

2. The quoted section of Paragraph 2 speaks for itself and does not require a response. Respondent NWP denies the remaining allegations contained in Paragraph 2.

Respondents

3. Respondent NWP denies the allegations contained in Paragraph 3 of the Complaint as NWP is without information or knowledge sufficient to form an opinion as to the truth and accuracy of the allegations contained therein.

4. Respondent NWP denies the allegations contained in Paragraph 4 of the Complaint as NWP is without information or knowledge sufficient to form an opinion as to the truth and accuracy of the allegations contained therein.

5. Respondent NWP denies the allegations contained in Paragraph 5 of the Complaint as NWP is without information or knowledge sufficient to form an opinion as to the truth and accuracy of the allegations contained therein.

6. Respondent NWP denies the allegations contained in Paragraph 6 of the Complaint as NWP is without information or knowledge sufficient to form an opinion as to the truth and accuracy of the allegations contained therein.

7. Respondent NWP denies the allegations contained in Paragraph 7 of the Complaint as NWP is without information or knowledge sufficient to form an opinion as to the truth and accuracy of the allegations contained therein.

8. Respondent NWP denies the allegations contained in Paragraph 8 of the Complaint as NWP is without information or knowledge sufficient to form an opinion as to the truth and accuracy of the allegations contained therein.

9. Respondent NWP denies the allegations contained in Paragraph 9 of the Complaint as NWP is without information or knowledge sufficient to form an opinion as to the truth and accuracy of the allegations contained therein.

10. Respondent NWP admits the allegations contained in Paragraph 10 of the Complaint.

11. Respondent NWP denies the allegations contained in Paragraph 11 of the Complaint as NWP is without information or knowledge sufficient to form an opinion as to the truth and accuracy of the allegations contained therein.

Allegations Common to All Counts

12. Respondent NWP denies the allegations contained in Paragraph 12 of the Complaint as NWP is without information or knowledge sufficient to form an opinion as to the truth and accuracy of the allegations contained therein.

13. Respondent NWP denies the allegations contained in Paragraph 13 of the Complaint as NWP is without information or knowledge sufficient to form an opinion as to the truth and accuracy of the allegations contained therein.

14. Respondent NWP denies the allegations contained in Paragraph 14 of the Complaint as NWP is without information or knowledge sufficient to form an opinion as to the truth and accuracy of the allegations contained therein.

15. The quoted text contained in Paragraph 15 speaks for itself and does not require a response.

16. The quoted text contained in Paragraph 16 speaks for itself and does not require a response.

17. The quoted text contained in Paragraph 17 speaks for itself and does not require a response.

18. The quoted text contained in Paragraph 18 speaks for itself and does not require a response.

19. Respondent NWP denies the allegations contained in Paragraph 19 of the Complaint.

20. The quoted text contained in Paragraph 20 speaks for itself and does not require a response.

21. Respondent NWP denies the allegations contained in Paragraph 21 of the Complaint as NWP is without information or knowledge sufficient to form an opinion as to the truth and accuracy of the allegations contained therein.

22. Respondent NWP denies the allegations contained in Paragraph 22 of the Complaint as NWP is without information or knowledge sufficient to form an opinion as to the truth and accuracy of the allegations contained therein.

23. Respondent NWP denies the allegations contained in Paragraph 23 of the Complaint as NWP is without information or knowledge sufficient to form an opinion as to the truth and accuracy of the allegations contained therein.

24. Respondent NWP admits the allegations contained in Paragraph 24 of the Complaint.

25. Respondent NWP admits the allegations contained in Paragraph 25 of the Complaint.

26. Respondent NWP denies the allegations contained in Paragraph 26 of the Complaint as NWP is without information or knowledge sufficient to form an opinion as to the truth and accuracy of the allegations contained therein.

27. Respondent NWP admits the allegations contained in Paragraph 27 of the Complaint.

28. Respondent NWP denies the allegations contained in Paragraph 28 of the Complaint as NWP is without information or knowledge sufficient to form an opinion as to the truth and accuracy of the allegations contained therein.

29. Respondent NWP denies the allegations contained in Paragraph 29 of the Complaint as NWP is without information or knowledge sufficient to form an opinion as to the truth and accuracy of the allegations contained therein.

30. Respondent NWP denies the allegations contained in Paragraph 30 of the Complaint as NWP is without information or knowledge sufficient to form an opinion as to the truth and accuracy of the allegations contained therein.

31. Respondent NWP denies the allegations contained in Paragraph 31 of the Complaint as NWP is without information or knowledge sufficient to form an opinion as to the truth and accuracy of the allegations contained therein.

32. Respondent NWP denies the allegations contained in Paragraph 32 of the Complaint as NWP is without information or knowledge sufficient to form an opinion as to the truth and accuracy of the allegations contained therein.

33. Respondent NWP denies the allegations contained in Paragraph 33 of the Complaint as NWP is without information or knowledge sufficient to form an opinion as to the truth and accuracy of the allegations contained therein.

34. Respondent NWP denies the allegations contained in Paragraph 34 of the Complaint as NWP is without information or knowledge sufficient to form an opinion as to the truth and accuracy of the allegations contained therein.

35. Respondent NWP admits the allegations contained in Paragraph 35 of the Complaint.

36. Respondent NWP denies the allegations contained in Paragraph 36 of the Complaint as NWP is without information or knowledge sufficient to form an opinion as to the truth and accuracy of the allegations contained therein.

37. Respondent NWP admits the allegations contained in Paragraph 37 of the Complaint.

COUNT I. Apartment Respondents and Respondent NWP Are Subject to Regulation by the Commission

38. Paragraph 38 does not contain any allegations and does not require a response.

39. Respondent NWP denies the allegations contained in Paragraph 39 of the Complaint.

COUNT II: Unauthorized Provision of Water and Sewer Services and Rates by Apartment Respondents and Respondent NWP

40. Paragraph 40 does not contain any allegations and does not require a response.

41. The quoted text contained in Paragraph 41 speaks for itself and does not require a response.

42. Respondent NWP denies the allegations contained in Paragraph 42 of the Complaint

43. The quoted text contained in Paragraph 43 speaks for itself and does not require a response.

44. Respondent NWP denies the allegations contained in Paragraph 44 of the Complaint

45. Respondent NWP denies the allegations contained in Paragraph 45 of the Complaint.

46. Respondent NWP denies the allegations contained in Paragraph 46 of the Complaint.

COUNT III: Authority to Seek Penalties

47. Paragraph 47 does not contain any allegations and does not require a response.

48. The quoted text contained in Paragraph 48 speaks for itself and does not require a response.

49. Respondent NWP denies the allegations contained in Paragraph 49 of the Complaint as NWP is without information or knowledge sufficient to form an opinion as to the truth and accuracy of the allegations contained therein.

Affirmative Defense

To the extent that any claim fails to state a claim on which relief can be granted, it should be dismissed.

REQUEST FOR RELIEF

Based upon these answers and affirmative defense, Respondent NWP respectfully requests that the Commission dismiss this action in its entirety for failing to state a claim on which relief can be granted. Alternatively, Respondent NWP prays that the Commission, after hearing, find that the Respondents are neither individually nor jointly a water corporation or sewer corporation within the scope of Sections 386.020 (49) and (59) RSMo (Supp. 2008) and thus are not public utilities pursuant to Section 386.020 (43) RSMo (Supp. 2008) and are not subject to the jurisdiction, regulation and control of this Commission. Respondent NWP further respectfully requests that the Commission, after hearing, find that the Respondents are neither individually nor jointly subject to the Commission's authority to set rates and determine just and reasonable rates to charge for Respondents' furnishing of water and sewer services to residents of Aspen Woods.

Respectfully submitted

/s/Michael Foote
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Attorney for NWP

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this pleading was electronically mailed to the following attorneys of record in this proceeding this 16th day of March, 2010:

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