

**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 FOR EXTENSION OF TIME TO REPLY
TO OPC'S RESPONSE TO JURISDICTIONAL ISSUES,
AND TO STAFF'S OPPOSITION TO
JOINT MOTION FOR SUMMARY DETERMINATION**

COME NOW Respondent Aspen Woods Apartment Associates, LLC (Aspen Woods), and Respondent National Water & Power, Inc. (NWP), and the National Apartment Association (NAA), and hereby request an extension of time until and including December 15, 2010 in which to reply to OPC's Response to Jurisdictional Issues, and to Staff's Opposition to the Joint motion of Aspen Woods and NWP for Summary Determination. In support of this Motion, movants state as follows:

1. Aspen Woods and NWP filed their Joint Motion for Summary Determination on October 26, 2010.

2. OPC and Staff filed their responses thereto on November 22, 2010, the day before Thanksgiving.

3. Unlike Missouri Rule of Civil Procedure 74.04(c)(3), Commission Rule 4 CSR 240-2.117 sets forth no specific time for replying to a response to a motion for summary

disposition/determination. 4 CSR 240-2.080(15) generally provides ten days to respond to any pleading unless otherwise ordered by the commission. This ten day period would expire December 2, 2010.

4. On the Sunday following Thanksgiving, November 28, the undersigned requested Staff and OPC to agree to an extension until December 15, 2010 for Aspen Woods, NWP, and NAA to reply. On November 29, Staff indicated it would agree to an extension until December 6, but not until December 15.

5. Staff and OPC's responses to the Joint Motion for Summary Determination cite and discuss numerous PSC proceedings, as well as court decisions, that the moving parties will need to research and address in their replies. Staff's Opposition to Summary Determination is fairly lengthy. Reply to Staff's Opposition is made more difficult, and will take more time, as Staff has not explained its denials of some material fact paragraphs set forth in Aspen Woods and NWP's Joint Motion and accompanying affidavit.

6. Between now and December 15, the undersigned has several matters scheduled, and to be attended to. These include a civil proceeding in which the undersigned is addressing 300 or so cities' denials of municipal tax refund requests, as well as Commission roundtables scheduled for today and December 6. The undersigned appreciates the Commission's consideration of his personal schedule. Granting this extension should result in a better, and more concise, Reply than would likely be presented on December 2.

7. Movants do not believe that granting this extension request will unduly burden any party. Staff was recently granted leave to file an amended complaint. The first round of testimony is not due until March 7, 2011, and the hearing was recently moved from May 2-4, 2011 to May 18-20, 2011.

WHEREFORE, on the basis of the foregoing, Aspen Woods, NWP, and NAA respectfully request an extension of time until and including December 15, 2010 in which to file their replies to Staff and OPC's opposition to the Joint Motion for Summary Determination.

/s/Craig S. Johnson
Craig S. Johnson
Mo Bar # 28179
Johnson & Sporleder, LLP
304 E. High St., Suite 200
P.O. Box 1670
Jefferson City, MO 65102
(573) 659-8734
(573) 761-3587 FAX
cj@cjaslaw.com
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 30th day of November, 2010:

jennifer.hernandez@psc.mo.gov

Rachel.Lewis@psc.mo.gov

christina.baker@ded.mo.gov

Paulb@brydonlaw.com

lowell.pearson@huschblackwell.com

/s/ Craig S. Johnson