

**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

MOTION FOR LEAVE TO WITHDRAW

COMES NOW Craig S. Johnson, Berry Wilson, LLC, currently attorney of record for co-respondent National Water & Power Services Corp., and/or co-respondent National Water & Power, Inc., pursuant to 4 CSR 240-2.030, and hereby moves that the Commission grant Craig S. Johnson leave to withdraw as attorney of record for National Water & Power, Inc., and/or National Water & Power Services Corp., co-respondents herein.

In support of this Motion, Craig S. Johnson states as follows:

1. The Complaint instituting this action named National Water & Power Inc. (“NWP”), a foreign for-profit corporation, as a co-respondent in this action.
2. On March 3, 2010, an Answer was attempted to be filed by Michael Foote. This Answer changed the caption from that set forth in the Complaint, designating as co-respondent National Water & Power Services Corporation (“NWPSC”) instead of NWP on behalf of whom the Answer was attempted to be filed.

3. By Order of March 4 this Answer was determined deficient, and NWPSC was given time to correct the deficiency.

4. By March 16, 2010, the undersigned and Michael Foote made arrangements whereby the undersigned would enter appearance as counsel for NWPSC and refile the previously attempted Answer, and to represent NWPSC in this case. The undersigned has done so.

5. Said arrangements included the commitment of NWPSC to pay the undersigned for services rendered herein, for Mr. Foote to be admitted to practice herein *pro hac vice*, and for NWPSC to investigate and correct, if necessary, the allegation that NWP had been administratively dissolved by the Missouri Secretary of State, so the appropriate co-respondent could be determined.

6. To the undersigned's knowledge, the commitments made by NWPSC as set forth in paragraph 5 have not been kept.

7. The undersigned wishes to be granted leave to withdraw as counsel for NWPSC, or NWP, whichever is the appropriate respondent, or both, in this proceeding.

8. This request for leave is not intended to delay or unduly burden the Commission or any party to this case. The parties' March 30, 2010 jointly proposed procedural schedule proposed a discovery period ending July 31, 2010, to be followed by settlement discussions through August 27, 2010, to be followed with a subsequent proposed schedule if no settlement was achieved. The Commission's April 1, 2010 Order directed a status report by August 30, 2010. To the undersigned's knowledge, no discovery or settlement discussions have been conducted between March 30, 2010, and the date hereof.

WHEREFORE, Craig S. Johnson and the firm of Berry Wilson, LLC respectfully requests that the Commission grant he and that firm leave to withdraw as attorney of record for National Water & Power, Inc., and National Water & Power Services Corp., or both, whichever is the correct Respondent herein, or both if both are correctly named as Respondents.

/s/Craig S. Johnson
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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 25th day of May, 2010:

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/s/ Craig S. Johnson