

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Review of Economic, Legal)	
and Policy Considerations for the Regulation of)	File No. SW-2011-0236
the Provision of Utility Services in Landlord-Tenant)	File No. WW-2011-0237
Relationships)	

ORDER OPENING INVESTIGATION AND WORKSHOPS, DIRECTING NOTICE, AND DIRECTING FILING

Issue Date: January 19, 2011

Effective Date: January 19, 2011

On January 29, 2010, the Staff of the Missouri Public Service Commission filed a complaint with the Commission against the Aspen Woods Apartment Associates, L.L.C. ("Aspen Woods") and National Water and Power, Inc. ("NWP"). The Complaint alleged that Respondents either individually or jointly, own, operate, control and/or manage water and sewer corporations and public utilities that are subject to the Commission's jurisdiction without proper Commission approval (File Number WC-2010-0227). The Commission recognized that any ultimate decisions regarding the interpretation and application of law and policy in this matter will have a major affect on Missouri citizens receiving utility service in landlord-tenant relationships. Consequently, the Commission stayed the complaint and is opening this investigation and workshops to allow all stakeholders the opportunity to accurately delineate the full reach of the Commission's jurisdiction and what appropriate regulations and mechanisms are required to ensure safe and adequate utility services are being provided to this segment of Missouri ratepayers at just and reasonable rates.

The Commission will direct its Data Center and its Information Officer to issue notice of these proceedings. Other notices will follow once additional stakeholders are identified.

The Commission will also direct its Staff to file a schedule for workshops that will ultimately culminate in rulemaking. The two workshops will not be consolidated at this time because it is possible that different considerations, and thus different rules, will need be to be articulated with regard to water and sewer systems. However, the Commission may consolidate these dockets in the future if it finds that issues of fact and law are substantially related for both types of utilities.

Because this is not a contested case, any person, group or entity may file comments without counsel and without *ex parte* constraints. Intervention requests are not necessary to submit comments, or view documents, or participate in the workshops.

Any person, group or entity is welcome to submit comments by forwarding electronic communications through the electronic filing and information system (EFIS) or by mailing written comments. Comments can be submitted electronically at the Commission's website at <http://www.psc.mo.gov>. Click on the EFIS/Case filings link on the left side of the page. Scroll down and click on the public comment link. Please reference File No.SW-2011-0236 or File No. WW-2011-0237. Written comments in hard copy should be addressed to the Commission at P.O. Box 360, Jefferson City, Missouri 65102 and should reference File No.SW-2011-0236 or File No. WW-2011-0237. The public can view the contents of the file by following the link at <http://www.psc.mo.gov>.

THE COMMISSION ORDERS THAT:

1. No later than February 28, 2011, the Staff of the Missouri Public Service Commission shall file a proposed schedule for workshops, along with any other proposals it has regarding the procedure to follow in these workshop dockets.

2. The Commission's Data Center shall provide electronic notice of these workshop dockets by electronically sending a copy of this order to all regulated Missouri water and sewer companies. If the Commission's Data Center is unable to provide electronic notice to specific regulated entities, the Data Center shall notify those entities by mail.

3. The Commission's Data Center shall provide notice of these workshop dockets to all parties in File Number WC-2010-0227.

4. The Commission's Data Center shall serve a copy of this order upon the county commission, or similar governmental body of all Missouri counties.

5. The Commission's Data Center shall also provide notice of this workshop docket to the Small Business Regulatory Fairness Board at: Missouri Department of Economic Development, 301 W. High Street, P.O. Box 1157, Jefferson City, Missouri 65102, by mailing or E-mailing (SBRFB@ded.mo.gov) it a copy of this order.

6. The Data Center shall provide notice of these workshop dockets to the Missouri Apartment Association, and to all Missouri Landlord Associations listed at:

www.missouriapartmentassociation.net/,

<http://www.missouriapartmentassociation.net/board%20of%20directors.htm>,

<http://www.thelpa.com/lpa/associations/missouri.html>, and

<http://www.landlordsresourcedirectory.com/Missouri.htm>.

7. The Data Center will add all parties from File Number WC-2010-0227 to the certified service list.

8. The Data Center will add any entity that makes a filing of any type in these matters to the certified service list.

9. The Data Center will add all entities that were issued notice in these matters, for which it has an electronic mail address, as subscribers.

10. The Commission's Public Information Office shall make notice of this order available to all the members of the General Assembly and the media.

11. This order shall become effective immediately upon issuance.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'S. Reed', is positioned above the printed name and title.

Steven C. Reed
Secretary

(S E A L)

Harold Stearley, Senior Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 19th day of January, 2011.