### Missouri Public Service Commission

Data Center P.O. Box 360 Jefferson City, Missouri 65102-0360

MO 419-2651 (9-10)



Missouri Public Service Commission





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St. Louis Area Housing Provider Association Legal Department P.O. Box 22155 St. Louis, MO 63116

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# 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 <a href="http://www.psc.mo.gov">http://www.psc.mo.gov</a>. 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 <a href="http://www.psc.mo.gov">http://www.psc.mo.gov</a>.

#### 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

Steven C. Reed Secretary

(SEAL)

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.

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 20<sup>th</sup> day of January 2011.

Secretary

### MISSOURI PUBLIC SERVICE COMMISSION January 19, 2011

#### File No. SW-2011-0236 and WW-2011-0237

General Counsel's Office P.O. Box 360 200 Madison Street, Suite 800 Jefferson City, MO 65102 Lewis R. Mills, Jr. P.O. Box 2230 200 Madison Street, Suite 650 Jefferson City, MO 65102

#### Apartment Association of Kansas City

Debbie Haukenberry 11735 W. 86th Terrace, Suite 100 Lenexa, KS 66214

Barry Howard Lowell Pearson 235 East High Street P.O. Box 1251 Jefferson City, MO 65102

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County of Audrain, Missouri County Commission Clerk 101 N. Jefferson, Room 101 Audrain County Courthouse Mexico, MO 65265

County of Bates, Missouri County Commission Clerk 1 N. Delaware Bates County Courthouse Butler, MO 64730

County of Boone, Missouri County Commission Clerk 801 E. Walnut, Rm. 236 Boone County Government Center Columbia, MO 65201

County of Caldwell, Missourl County Commission Clerk PO Box 67 49 E Main, Caldwell County Courthouse Kingston, MO 64650

County of Cape Girardeau, County Commission Clerk 1 Barton Square Cape Girardeau County Administration Bldg. Jackson, MO 63755

County of Cass, Missouri County Commission Clerk 102 E. Wall St. Cass County Courthouse Harrisonville, MO 64701 Aspen Woods Apartment Associates, LLC Lowell Pearson 235 East High Street P.O. Box 1251 Jefferson City, MO 65102

Carondelet/Holly Hills Landlord Association Legal Department P.O. Box 25154 St. Louis, MO 63125

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County of Carroll, Missouri County Commission Clerk 8 South Main, Ste. 6 Carroll County Courthouse Carrollton, MO 64633

County of Cedar, Missouri County Commission Clerk 113 South St., Cedar County Courthouse P.O. Box 665 Stockton, MO 65785 Barry Howard John Roodhouse 235 East High Street P.O. Box 1251 Jefferson City, MO 65102

Columbia Apartment Association Mark Stevenson P. O. Box 642 Columbia, MO 65205

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Courthouse
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Rock Port, MO 64482

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County of Cole, Missouri County Commission Clerk 311 E High St., Rm 201 Cole County Courthouse Annex Jefferson City, MO 65101

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County of Dallas, Missouri
County Commission Clerk
102 S Cedar, Dallas County Admin.
Bldg.
PO Box 436
Buffalo, MO 65622

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County of Henry, Missouri County Commission Clerk 100 W. Franklin Street Henry County Courthouse Clinton, MO 64735

County of Howard, Missouri County Commission Clerk 1 Courthouse Sq. Howard County Courthouse Fayette, MO 65248

County of Jackson, Missouri County Commission Clerk 415 E. 12th, 2nd FL Jackson County Courthouse Kansas City, MO 64106

County of Johnson, Missouri County Commission Clerk 300 N. Holden Johnson County Courthouse Warrensburg, MO 64093

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Michael Palin John Young Jr 168 N Meramec Ave., Suite 400 St. Louis, MO 63105 County of Ray, Missouri County Commission Clerk 100 W Main Ray County Courthouse Richmond, MO 64085

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Michael Palin Crystal Hall 168 N. Meramec Ave., Suite 400 St. Louis, MO 63105

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Springfield Apartment & Housing Association Gary Wilson 2032 E. Kearney, Ste. 103 Springfield, MO 65803

St. Louis City Rental Property Owners Association Legal Department 3204 Shenandoah St. Louis, MO 63104 National Apartment Association Paul Boudreau 312 East Capitol Avenue P.O. Box 456 Jefferson City, MO 65102

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Southwest Missouri Rental Housing Association Cheryl Brown P.O. Box 1801 Joplin, MO 64802

St. Louis Apartment Association Christine Steinlage 1830 Craig Park Court, Suite 101 St. Louis, MO 63146

St. Louis Real Estate investors Association Legal Department P.O. Box 46705 St. Louis, MO 63146

Enclosed find a certified copy of an ORDER in the above-numbered matter(s).

Sincerely,

Steven C. Reed Secretary

Uncertified Copies: To Missouri certified Water and Sewer Companies