



The Missouri Public Service Commission has granted the National Apartment Association's application to intervene in the Staff of Missouri Public Service Commission v. Aspen Woods Apartment Associates, et al lawsuit regarding individually billing apartment residents for utilities.

The National Apartment Association (NAA) is now a party to the lawsuit along with Florissant, Mo.-based Aspen Woods and the apartment community's third-party billing provider National Water and Power (NWP) Inc.

Staff at the Missouri Public Service Commission (MPSC) filed the complaint alleging that Aspen Woods and NWP operate as unregulated water and sewer corporations and public utilities because they jointly manage residents' water and sewer bills and assess administrative fees in support of those billing programs.

NAA is supporting the efforts of the Missouri Apartment Association (MAA), the St. Louis Apartment Association (SLAA) and the Apartment Association of Kansas City (AAKC) to respond to the MPSC's complaint and make the case for the benefits of individual water and sewer billing.

NAA's intervention brings the perspective of the entire apartment industry to the case. NAA represents more than 50,000 members belonging to 170 state and local affiliated associations.

"Potentially, what happens in Missouri could become a test case for other states," said Greg Brown, NAA's vice president of government affairs. "We want to ensure that individual billing of utilities remains a viable option for our members. The outcome of this case will certainly impact that."

A ruling against Aspen Woods and NWP would precipitate one of two results. Either Missouri apartment owners would stop using submetering or ratio utility billing systems (RUBs) or they would continue to bill individually, but then be required to pay tariffs imposed on regulated utilities. In either case, rents would most likely be increased to offset the additional costs incurred by rental property owners, in essence reducing Missouri's available stock of affordable housing.

Briefs concerning the merits of whether MPSC has jurisdiction to regulate apartments have been filed by Aspen Woods/NWP and NAA. The PSC staff's response to these briefs is due by the end of November.

If MPSC rules against Aspen Woods and NWP, every apartment owner in Missouri who bills through submetering or RUBs would be regulated in this manner. **Help support the fight against this regulatory intrusion by contacting MAA at 888-859-5192, SLAA at 314-205-8844, or AAKC at 913-248-0355.**

If your affiliate has important issues facing the courts or legislature, the National Apartment Association encourages you to contact us for assistance.