BEFORE THE PUBLIC SERVICE OMMISSION

OF THE STATE OF MISSOURI

Sherry Veach, )

 Complainant, )

 )

v. ) FILE NO. EC-2012-0406

 )

The Empire Electric District Electric Company, )

 Respondent, )

OPPOSING RECOMMENDED REPORT AND ORDER BY

REGULATORY LAW JUDGE, MICHAEL BUSCHMANN

In response to Judge Michael Bushmann’s recommendation this is to clear up any misunderstanding that either the judge or counsel might have had concerning the technical facts and evidence.

1) Reference -- #19 page 5 -- Mr. Crawford testified credibly.

Fact #2 – Evidentiary hearing testimony page 90 line 20 thru page 92 line 5, Veach exhibit # 1 phone records, Veach exhibit #10 Empire’s answers to discovery question #2 proved Mr. Crawford lied on stand, and in the discovery questions proving that Mr. Crawford is not a credible witness and will lie to cover any of his actions.

Mr. Crawford’s testimony:

Q. Mr. Crawford, you said on the 14th that you called me. Here is a phone record. 2/14 is highlighted in orange. Could you please show me your phone number on there?

 A. I do not see it.

Q. Well, if it’s not on there, how could you have called me?

A. On my phone.

Q. It would register on my bill if it was an incoming or outgoing. In your statement you said that I called you.

 A. You did.

Q. I could not have called you. The cell phone is what I use. I did not receive a call from you and I did not call you back; therefore, we could not have set up an appointment. You could not have told me what time you were going to be there, and you have also got down that you left at 3:30 to 4:00. Now, at 3:30 – I was on the phone at 3:10 to Atlanta Georgia, for three minutes. At 3:20 I called Jefferson City to file a formal complaint. That leaves a seven minute open time that you could have been there. Now, if you did not call me, you could not have left a message. I could not have called you back. I could not have set up an appointment with you, so why would I believe anything else that you have given in your statement: Can you explain that?

 A. I guess I don’t understand other than are you just trying to call me a liar?

 Q. I am saying I do not have a phone record and this phone record comes from Verizon.

A. You did not call me?

Q. No, I did not.

 A. So how did I know to call you?

Q. Right There. The phone records never lie.

Mr. Crawford said that he called me on February 14, 2012, left a message, that I returned his call and set up an appointment. Phone records from Verizon for February 14, 2012 prove that Mr. Crawford never called me then or any other time. Making Judge Bushmann’s statement that Mr. Crawford was credible is inaccurate and false.

2) Reference #20 page 5; #21 pages 5 & 6 – Mr. Crawford testified credibly that at no time did he recalibrate, repair or replace the electric meter or meter name plate at Ms. Veach’s residence.

Fact #3 -- Evidentiary hearing page 94 lines 13 thru line 25, page 95 lines 1 & 2. Mr. Crawford testified that the identification plate and glass bowl could easily be removed from a meter, making it easy to make a switch from one meter to another. Evidentiary hearing #9 thru #13, page 88 – Mr. Crawford when asked about the mechanical meter by Ms. Carter testified that we have some that have been brought back in from being either the people moved out of the house and have come back in for recalibration to use back out. We have some mechanical meters, but they are on their way out.

The commission did not check Empire’s inventory storage locations for quantity, type, or brand of meter. If the company admitted to changing out a meter it would be an admittance of wrong doing. So once again they took the word of Mr. Crawford, who was proven to lie on the witness stand in court.

3) Reference -- #18 page 5 – The normal calibration range of a Duncan mechanical electric meter is plus or minus 3-4%. This means that this type of meter cannot be adjusted to change the reading by more or less than 3-4% using the adjustment screws that are built into the meter.

Fact # 1 -- The commission did not test or investigate the meter in question on my house so they cannot testify on the calibration range or accuracy of my meter. Per testimony Mr. Crawford has worked for Empire Electric for only 33 years, therefore Mr. Crawford was not employed or involved with the installation or pre-calibration of my meter in 1972 when my house was built, which means neither he nor Dan Beck can testify about the accuracy of my meter.

4) Reference -- #32 page 8 – There are no explanations for the difference in the amount of Ms. Veach’s electric bills between 2012 and prior years other than either the proper operation of the electrical meter or the amount of electric consumption at her house.

Fact #4 It has been proven that I use the same appliances that were installed in the house in 1972 and ones that were purchased in 1984 and 1985 prior to purchasing the residence in 1988. Due to the age of the appliances if there was going to be a change in consumption it would be higher kWh usage not lower. The 2012 electric bills prove without question that the change is not appliance use or lifestyle change. The only thing that could make that significant of a change in usage is the meter whether it was removed and replaced or physically changed in one way or another by an Empire Electric employee. I have already proven the Empire employee that takes care of the meters, Mr. Crawford, is a proven lier and will lie under oath on the stand in court.

5) Reference—last paragraph page 10 -- While Ms. Veach has alleged that the meter was reading in error of more than 62% prior to February 15, 2012, evidence from the meter manufacturer and the staff witness demonstrated that this type of meter cannot be adjusted to change the reading by more or less than 3-4% using the adjustment screws that are built into the meter.

Fact #5 My meter was not tested by PSC Dan Beck nor did he witness my meter being tested. Mr. Beck did not test any of my appliances. The manufacture of my meter does not exist anymore; therefore any comments and testimony about my meter is only guessing and assumptions on the part of those who are making their own conclusions and are not credible facts.

 In Mr. Beck’s testimony he testified that in his 25 years employee with PSC he had never done a residential amp draw of appliances at the breaker box. Therefore it is impossible for him to determine whether, in fact, any rules or tariff violations have been committed. Mr. Beck neglected to investigate the actual discrepancy of the meter and actual kWh usage.

6) Reference -- second paragraph last sentence—The Commission concludes that Empire has not replaced Ms. Veach’s electric meter.

Fact #6 Once again the commission is taking the word of a proven lier to base their decision on. A thief only acts when no one is looking, therefore the commission doesn’t know what was done. I have given solid proof of appliance time studies, amp draws and kWh usage calculations that are comparable to the appliance calculation chart on the Empire Electric web page. I have presented into evidence daily and monthly kWh readings with electric bills. See all of the Veach Exhibits submitted into evidence.

Conclusion:

Electric bills prove that in the summer of 2012 with record breaking temperatures and the use of the central air unit the kWh usage was significantly lower than all previous years dating back to 1988 when all that was used was the attic fan or a window air conditioner in the bedroom. This is recorded evidence Veach exhibit #4 2012 kWh compared to previous years.

Veach exhibit #5- 9/16/10 Electric Bill Ohio & Colorado Receipts - shows the most disturbing and damning evidence against Empire Electric. Out of a 31 day billing cycle I was in Ohio and Colorado for 27days having me home for only 4 days. Empire Electric claims that I used 932 kWh that billing cycle. This is an impossibility when the only thing running was a refrigerator, freezer and hot water heater with no water being used. The highest the kWh could have been in that billing cycle would have been 357 kWh and that would be doing 3 loads of laundry every day for the 4 days that I was home. I have included receipts for gas and Lowes purchases in the exhibit to prove time and place. The kWh usage for an average month in 2012 with me home, cooking, cleaning and working without central air use is 450 kWh. The same September billing cycle in 2012 with the use of central air only used 627kWh.

So for Judge Bushmann to make the statement that I have failed to meet my burden of proof against Empire Electric only shows that he does not have an understanding of the technical facts and evidence that has been presented to him and the commission by me, an experienced engineer.

After looking at the hard evidence that has been presented by me, it is easy to see that there has been deceit used on the part of Empire Electric Company and their employees to cover up overcharges by the use of a bad meter.

Respectfully Submitted

Sherry Veach

98 N. Swan St.

Fair Grove, Mo 65648

slveach@hotmail.com

417-838-2141