

BEFORE THE PUBLIC SERVICE COMMISSION  
STATE OF MISSOURI  
TRANSCRIPT OF PROCEEDINGS  
PREHEARING CONFERENCE

Elizabeth Peterson,                     )  
Complainant,                     ) Case No.: EC-2026-0150  
v.                                             )  
The Empire District                     )  
Electric Company d/b/a                     )  
Liberty,                                     )  
Respondent.                     )

TUESDAY, JANUARY 13, 2026  
9:00 a.m.

Jefferson City, MO  
via WebEx

VOLUME 1

JOHN CLARK, Presiding  
SENIOR REGULATORY LAW JUDGE

KAYLA HAHN, Chair,  
MAIDA J. COLEMAN,  
GLEN KOLKMEYER,  
JOHN MITCHELL,  
COMMISSIONERS

Transcribed by:  
Joe Herman

1 MR. CLARK: Thank you. Let's go on the  
2 record. Today's date is January 13 of 2026, and the  
3 current time is 9:00 a.m. the commission has set aside  
4 this time for a prehearing conference via Webex in the  
5 case captioned as Elizabeth Peterson, complainant, v.  
6 the Empire District Electric Company, doing business as  
7 Liberty, respondent, and that is case number EC-2026-  
8 0150.

9 My name is John Clark. I'm the  
10 regulatory law judge presiding over this matter, and I'm  
11 going to begin by asking the parties to enter their  
12 appearance for the record, starting with Ms. Peterson.

13 MS. PETERSON: Elizabeth Peterson.

14 MR. CLARK: And Ms. Peterson, you are pro  
15 se, correct?

16 MS. PETERSON: Yes, sir.

17 MR. CLARK: You are not an attorney and  
18 you are not represented by an attorney?

19 MS. PETERSON: No.

20 MR. CLARK: And on behalf of the Empire  
21 District Electric Company, doing business as Liberty?

22 MR. COOPER: Yes, Your Honor. Dean  
23 Cooper from the law firm of Brydon, Swearngen &  
24 England, PC, appearing on behalf of the Empire District  
25 Electric Company, d/b/a Liberty.

1 MR. CLARK: Thank you, Mr. Cooper. And  
2 on behalf of the commission staff? I don't show you as  
3 muted Mr. Graham, but I am not getting any audio at this  
4 time. I'm going to skip over you just a second, Staff,  
5 since I see that public counsel is here as well. Entry  
6 of appearance from the Office of Public Counsel?

7 MS. MARTIN: Hello, this is Anna Martin  
8 representing the Office of the Public Counsel today --

9 MR. CLARK: Thank you --

10 MS. MARTIN: -- and our address is on  
11 file. Sorry.

12 MR. CLARK: Thank you, Ms. Martin. Okay.  
13 Staff, do you have -- do you have microphone working  
14 yet? I cannot hear you. No. That actually muted it.  
15 I'm not sure what's going on. You were coming in loud  
16 and clear right before the conference. Well, just for  
17 clarity, I'm going to go off the record while we wait  
18 for staff to solve its microphone problem.

19 (Off the record.)

20 MR. GRAHAM: Can you hear me, Judge?

21 MR. CLARK: I can. Let's go back on the  
22 record.

23 MR. GRAHAM: Okay. I'm on my -- I'm on  
24 my telephone now. I beg your pardon. I don't know  
25 what's going on with my computer, but I'm here.

1 MR. CLARK: It's, it's not your fault.  
2 You're -- you were coming in aloud and clear prior to  
3 the conference, and I don't know what happened. I'm  
4 going to remind everybody that as the presiding officer,  
5 I can rule on procedural and substantive issues at a  
6 prehearing conference pursuant to Commission Rule 20 CSR  
7 4240-2.090, subsection 6. Now, I -- staff filed a  
8 motion on January 8th to stay or halt the procedural  
9 schedule in this case.

10 I had actually planned to have this  
11 conference prior to that, but I'm glad as -- that staff  
12 filed their motion. Now, on the -- on the 30th of  
13 December, I issued an order asking Ms. Peterson to  
14 include or to file confidentially any power of attorney  
15 authorized to act on another individual's behalf, and I  
16 asked Ms. Peterson to clarify the alleged violations and  
17 what parts of the complaint are alleged by the  
18 individual who she's representing or standing in for and  
19 what are their own allegations.

20 And we're going to return to that. Now,  
21 the power of attorney that was filed is in fact quite  
22 broad. So that is not an issue for me now, but Ms.  
23 Peterson, what is an issue for me at this point in time,  
24 and I'm going to be very honest with you, is I have --  
25 I'm having some real trouble understanding your

1 pleadings as they're written. You're asking for things  
2 that I am unfamiliar with and do not appear to be  
3 regularly used judicial motion terms.

4 And that doesn't necessarily mean they're  
5 wrong. They're just not something -- but public  
6 counsel, and I'm glad they're here, they have encouraged  
7 me in these complaint cases where there are safety  
8 concerns to go ahead and pursue those under the idea  
9 that the commission has authority and jurisdiction over  
10 safety issues. And I think public counsel is right in  
11 that we do always have jurisdiction over safety issues.

12 However, I've given this a lot of thought  
13 because we've done a number of these cases now where  
14 electromagnetic fields have been part of the alleged  
15 potential harm causer. And the problem is that just  
16 because the commission has jurisdiction or oversight of  
17 something doesn't mean that that applies in every  
18 instance. And an example of that is the commission is  
19 responsible for rates.

20 We authorize changes of rates if those  
21 come into effect, but the commission can't do it just  
22 any time it wants. There are procedures and rules  
23 constraining it, and there are certain circumstances  
24 where it's not allowed to make certain rate case --  
25 making decisions between cases. So while it's true that

1 we have jurisdiction of that, we don't have jurisdiction  
2 over that in all instances to actually do something.

3 Similarly, complaints are very tightly  
4 construed in regard to that. The requirements for  
5 complaints under the Missouri Statute are that a person,  
6 and that would be you, Ms. Peterson, can file a  
7 complaint against a utility, that would be Liberty,  
8 setting forth in writing.

9 That was your petition, any act or thing  
10 done or omitted to be done by any corporation, person,  
11 public entity in violation or claim to be in violation  
12 of any provision of law subject to the commission's  
13 authority of any rule promulgated by the commission of  
14 any utility tariff of any order or decision of the  
15 commission. And then it goes on to talk about, rate,  
16 rate making cannot be done out of a complaint except  
17 under certain circumstances.

18 Now, the, the part of that that I'm  
19 having difficulty with understanding your case right  
20 now, Ms. Peterson, is that part where it requires to be  
21 in violation or claim to be in violation of any  
22 provision of law subject to the commission's authority,  
23 any rule promulgated by the commission. So it's that  
24 violation. There, there has to be, in my mind, a  
25 violation alleged for complaint to move forward.

1                   Now, that doesn't mean that you need to,  
2 with particularity, be able to point to an exact statute  
3 or an exact rule in every case, but it should at least  
4 kind of move in the direction of that. So you have  
5 alleged -- at one point, you alleged a violation of a  
6 rule. That rule that you alleged a violation of has not  
7 gone into effect yet and won't until August 28th.

8                   Out of sight of that, you have indicated  
9 -- you've included lots of information on  
10 electromagnetic fields, you've included lots of  
11 information regarding cases in other jurisdictions,  
12 which you believe are applicable to this, you have  
13 asserted ADA compliance, which I believe in my order I  
14 indicated the commission doesn't have jurisdiction over.  
15 We can't make determinations as to that. That would be  
16 a complaint to the ADA.

17                  So with that in mind, and I thought for  
18 quite a bit, so, Ms. Peterson, can you, in very concise,  
19 clear terms, lay out to me what your complaint is about?

20                  MS. PETERSON: The first one that you  
21 mentioned that you were concerned with, with the safety  
22 was regard to the rate. I think you can't really -- how  
23 does that apply to the rate principle of this whole  
24 contract with Liberty --

25                  MR. CLARK: It, it doesn't. I was -- I

1 was -- the, the whole rate thing was merely an example  
2 to explain that while the commission has oversight over  
3 safety issues at all time for the purpose of a complaint  
4 under the 386.390 statute, there has to be an alleged  
5 violation. I don't see a way around that.

6 MS. PETERSON: Okay.

7 MR. CLARK: You have to allege that  
8 they're doing something that would be in violation of  
9 their tariff of a law subject to commission's authority,  
10 of a -- of a commission rule, or of a utility tariff or  
11 order.

12 MS. PETERSON: Okay, but I did want to  
13 just hit on that right thing just before I forget it  
14 because that one I sent in a cost analysis from a major  
15 attorney in California. He did it and drew it up, who  
16 went against the Public Service commission out there 10  
17 years ago.

18 So he did a cost analysis of using smart  
19 meters or digital meters at all versus an actual  
20 mechanical electrical meter, meter, which is an analog  
21 traditional meter, so that we would have some bearing on  
22 this. Would it, in fact, make a rate hike for the  
23 consumer to use these kinds of equipment that they're  
24 choosing to use as it goes in all states, not just  
25 Missouri?



1                   Okay. So that's why I was getting  
2 someone outside of the -- you know, you're -- not, not  
3 in Missouri, but who has an attorney's hat and who has  
4 done cost analysis. So I submitted that just in case  
5 there was a question that it would increase my rate, and  
6 I also drew that little thread with the case that John  
7 Kaufman (phonetic) just did against -- particularly with  
8 Empire's rate increases, where I had approached John  
9 Kaufman's case and asked him by phone if he would please  
10 include this.

11                   And he, he felt it was out of his time  
12 frame and he was on his case. So I was trying to say  
13 that it wasn't already covered in his case, which was  
14 just brought against him. So if I need to introduce it  
15 additionally now, I can as a rate increase that, that  
16 has bearing to affect me. Should I not have my analog,  
17 which is currently on my house, if I should remove it?

18                   Then for the next 20 years, it will  
19 affect a rate increase for my behalf on this household  
20 with Empire, and it has not already been discussed with  
21 the John Kaufman allegations or whatever was going on  
22 with the other large, large rate increase brought  
23 against, I believe, Empire. So I, I, I just wanted to  
24 clarify, we could go into that rate perspective and we  
25 could also toss it into the safety part if you want, or

1 we can separate them.

2 But I came in initially on the safety  
3 part, okay? But if you want to go to a rate, I can also  
4 do that. I came in assuming we could do ADA. And so,  
5 it threw me when you said you couldn't do ADA. Now, I  
6 don't expect you to do jurisdiction outside your  
7 jurisdiction, so I get it.

8 But what I'm trying to say is, with the  
9 jurisdiction, you do have -- I gave two examples where -  
10 - actually one with Spire, who I did the ADA  
11 independently with them in a request from me to the  
12 corporation, and they responded in kind and they sent me  
13 back a certified letter, and it was very professionally  
14 done.

15 I enclosed that in the first entry to  
16 say, "I'm sorry. Even Spire said I needed to take it up  
17 with you." So we're all being misguided. It wasn't  
18 just me for -- I provided that, "I need an ADA fix. Can  
19 you do it?" I was told by Spire, another utility  
20 vendor, that in fact, at the end of our big two-month  
21 drawn out thing, that I worked a month just to draw up  
22 the ADA in the way that it would be legitimate legally  
23 to them.

24 And they presumably said in their legal  
25 division, "We see this as legal." And then they refund

1 what they wanted to do, and they got back to me with the  
2 certified letter boom. It said to come do this here at  
3 Missouri Public Service Commission. So here we go.

4 MR. CLARK: So I think -- I think they  
5 were at a loss as to what to do.

6 MS. PETERSON: Okay.

7 MR. CLARK: Let's, let's, let's back this  
8 up several steps. Okay. You reside with another  
9 individual, correct?

10 MS. PETERSON: Yes.

11 MR. CLARK: And you have power of  
12 attorney for that individual to make legal decisions,  
13 correct?

14 MS. PETERSON: Yes.

15 MR. CLARK: And you are here as -- this  
16 is a complaint of both yours and this individual,  
17 correct? Or just --

18 MS. PETERSON: It was --

19 MR. CLARK: Or just --

20 MS. PETERSON: It was (indiscernible) we  
21 found out you can't do ADA. And so, that's when I asked  
22 you to present myself as the first party and no, no  
23 longer the --

24 MR. CLARK: It's your -- it's your  
25 complaint now and the other person is no --

1 MS. PETERSON: Okay.

2 MR. CLARK: -- no longer a part of it.  
3 Is that correct?

4 MS. PETERSON: Correct.

5 MR. CLARK: Okay. So it's just -- okay.  
6 I will -- I will clarify that in any corresponding order  
7 after this. So this is your complaint, and my  
8 understanding, at least as loosely as I've read, is you  
9 have currently an analog meter. Is that correct?

10 MS. PETERSON: Yes.

11 MR. CLARK: And my understanding is that  
12 Liberty is wanting to replace that analog meter with an  
13 automated metering infrastructure meter, or AMI, or  
14 smart meter. Is that correct? I see Dean Cooper  
15 shaking his head. Mr. Cooper, could you enlighten me?

16 MR. COOPER: No. I think -- I think it's  
17 a little more, more subtle than that. I think they  
18 acknowledge they have a -- an opt-out tariff --

19 MR. CLARK: They do.

20 MR. COOPER: -- currently, right?  
21 Separate and apart from the new rule. However, the  
22 meter that they view as a traditional meter, I believe,  
23 Ms. Peterson, the -- it is not an analog meter. It is  
24 not an AMI meter, but it's also not an analog meter.

25 MR. CLARK: I think I'm -- I, I think I'm

1 familiar with this from other cases. These are meters  
2 that in fact send out a hertz broadcast. Is that  
3 correct?

4 MR. COOPER: I, I don't know that that's  
5 the case. I don't think they're capable of --

6 MR. CLARK: How, how are these -- how are  
7 these meters read? How's Ms. -- how's Ms. Peterson's  
8 meter currently read? In person, or?

9 MR. COOPER: I think it's -- I believe  
10 it's in person currently. She would know for sure, but  
11 I believe it's in --

12 MS. PETERSON: They drive by -- they  
13 drive by with goggles in the alley.

14 MR. CLARK: Okay. Now -- okay. Then  
15 let's, let's, let's nail down a little bit more because  
16 I want to be really clear on this. Whatever kind of  
17 meter you currently have, it does not broadcast to your  
18 understanding. Is that correct, Ms. Peterson?

19 MS. PETERSON: That's correct.

20 MR. CLARK: And my understanding from  
21 what I've read is you do not want your meter replaced  
22 with one that does broadcast. Is that correct?

23 MS. PETERSON: I want a meter that has no  
24 switch mode power supply included in it. That is going  
25 to happen if they put one on that has a circuit board.

1 And so, that's what they're trying to do. They're  
2 trying to put a digital meter, which has the same  
3 circuitry as a smart meter and it has a switch mode  
4 power supply.

5 It has no surge protection to ground. So  
6 it's a fire hazard. And so, I do not want it because it  
7 could start an interior fire with my wiring. Secondly,  
8 when I was referring back to the hearing for the  
9 rulemaking for advanced meters, OX-2026-0150, whatever -  
10 - on, on November 13th, I had an expert, an EMSR expert.

11 And the -- and he's an EMF expert by  
12 credentials, 1 of 50 in our United States country,  
13 besides who works for the EPA. So he's not a joke. He  
14 showed up from St. Louis, did a civic duty and explained  
15 why these advanced meters that are digital meters are  
16 the same thing as a smart meter without the cellular and  
17 that they do travel through your interior wiring in what  
18 is called a transient.

19 It was eight minutes of very tactical  
20 explanation on record, public record, and we can all  
21 review it independently. But I know how to explain what  
22 it is, so it's very technical, and yes, it is emitting -  
23 - it's a type of EMF called ELF. It is not an RF  
24 emission. So we're going to keep getting more and more  
25 technical the harder we go with this. I'm trying not to

1 bury this in technicalities, but yes, the type of meter  
2 currently on my home.

3 And this goes back to a verbal agreement  
4 with Empire, with their head human resources individual.  
5 Her name at that time is Patsy Mulvaney, who Senator  
6 White got a call into her when I got -- when these smart  
7 meters were strolling into town. And at that point, I  
8 talked with her and then I talked to the program manager  
9 for Empire.

10 His last name is Hook. I could find his  
11 first name. I still got the number somewhere. And he  
12 made an agreement with me that they weren't going to  
13 touch my analog. So we were fine. And Senator White  
14 was involved also because my mother lived in a house, so  
15 we can just go on and on, but there was multiple smart  
16 meters on her wall.

17 And so, I asked that Chad Hook, now I  
18 remember his first name, the Empire program manager for  
19 the smart meters, that they were hiring a third party to  
20 come in and put out through the Joplin area. I said,  
21 "Could you please avoid my mother's apartment complex  
22 until I can get her moved out of that apartment because  
23 there's no way you're putting 20 smart meters on her  
24 piano room wall until she's out of that apartment  
25 because the apartment complex isn't going to stop it.

1 And Liberty, I know you're going to put them in."

2 So they were gracious enough, with  
3 Senator White's help, to say -- and they've been very  
4 gracious -- to say, "Yes. We'll put off that particular  
5 part of town for a couple of months so you have time to  
6 move your mother," which I did. So I have known for a  
7 long time about these kind of meters. It's no secret  
8 that, you know, no one wants them.

9 That's why the Marin hire -- Marin hire  
10 security guards with guns to walk around St. Louis to  
11 make sure nobody gives them any problem when they're  
12 taking these other cups of meters off, when families  
13 don't understand what's happening, and they get these  
14 smart meters put on their houses. Now, my situation is,  
15 whatever tariff is current, I do agree, and I have that  
16 right here because Jay Eastlake (phonetic) sent it to  
17 me, and there's a very long description about the word  
18 traditional.

19 By definition, I would say that it is  
20 very inconclusive and very vague. And so, when we get  
21 technical and when we have time to get technical, I'll  
22 be happy to do that. I'm just trying to stay strolling  
23 over all this with you right now because there's layers  
24 to this. But I know what kind of equipment they're  
25 trying to put on my house.



1                   And besides the EMF, it is also a fire  
2                   hazard, and it is due to the intricate componentry,  
3                   which is a circuit board, which is a motherboard, which  
4                   they're taking 240 power level and they're transferring  
5                   it down to approximately 410 or something, 110  
6                   capability. And so, when you're doing all that, while  
7                   your draw of your power coming from your power lines is  
8                   coming at the same time, you're making a big -- and so,  
9                   we can get real, real technical about how this --

10                  MR. CLARK: Well --

11                  MS. PETERSON: Okay.

12                  MR. CLARK: -- I don't think we have to  
13                  right at this point, Ms. Peterson.

14                  MS. PETERSON: Okay.

15                  MR. CLARK: I'm sorry to cut you off, but  
16                  I've got a few -- do you currently have the meter you  
17                  want?

18                  MS. PETERSON: Yes.

19                  MR. CLARK: And what kind -- that's --  
20                  that is a meter without a circuit board, correct?

21                  MS. PETERSON: Correct. And at the same  
22                  one --

23                  MR. CLARK: And your opposition -- your  
24                  opposition is to not a smart meter, but it would be any  
25                  meter that has a circuit board, correct?

1 MS. PETERSON: Yes.

2 MR. CLARK: And so, your issue right now  
3 is in terms of what is classified as a traditional  
4 meter. Is that correct?

5 MS. PETERSON: The regulatory with  
6 Empire. These wordings are very -- want to call it --  
7 the ambiguity is off the wall, of the chart. So I did  
8 draw up a lot of technical stuff, and I submitted it  
9 already, but whenever we're there, we can go over why  
10 and --

11 MR. CLARK: (indiscernible) what, what --  
12 would you tell me what tariff sheet it is you're looking  
13 at, please?

14 MS. PETERSON: Jay Eastlake mailed this  
15 to me. It was actually the one that Empire handed in to  
16 him in the informal complaint to demand that they would  
17 enforce for them the right to come over here and put one  
18 of these on because of this little piece of, of  
19 description of what a traditional meter is defined as  
20 within the --

21 MR. CLARK: At the top -- at the top  
22 right-hand corner, there should be some numbers. It  
23 should be --

24 MS. PETERSON: The statute --

25 MR. CLARK: -- PSCMO --

1 MS. PETERSON: Yeah. Statute 386.820,  
2 traditional meter. And the description is, is about as  
3 ambiguous as you can get. And so, they're by half-  
4 truths getting away with this.

5 MR. COOPER: Hey, Judge --

6 MR. CLARK: Yes.

7 MR. COOPER: -- if I May. Of course Ms.  
8 Peterson's citing to the statute, I think the opt-out  
9 statute that came in was sent to me --

10 MR. CLARK: Yeah. That's what I gathered  
11 too, that that wasn't --

12 MR. COOPER: Yeah.

13 MR. CLARK: -- the tariff sheet, that  
14 that was the statute.

15 MR. COOPER: Yeah. That doesn't really  
16 become effective until what, July 1 of the year, but --  
17 and I don't know whether it helps or not, but the  
18 company owes an answer, a formal answer, to the  
19 complaint, I think by Thursday the 15, and --

20 MR. CLARK: I -- I'll, I'll get to that  
21 in a second because the thing is, you have to know what  
22 you're answering.

23 MR. COOPER: Yeah, but the, the, the two  
24 tariff sheets that you may be interested in are section  
25 5, original sheet 11, which is the existing opt-out

1 provision in the tariff. And then the other one that's  
2 going to come into play is section 5, sheet 17F, as in  
3 foxtrot, which is the current tariff about meter tests  
4 and what to be done if they don't test within acceptable  
5 parameters.

6 MR. CLARK: Thank you. That does provide  
7 a little bit of clarity for me. Mr. Graham, on behalf  
8 of staff, are you still here? And if you're the call-in  
9 user, I have you as muted. Emily, can you unmute the  
10 call-in user?

11 MS. WALTHERS: I sent a request. He'll  
12 have to hit star six.

13 MR. CLARK: Okay. Mr. Graham, if you  
14 didn't hear that, Emily said you have to press star six  
15 to unmute on your phone. Just a moment. Well, while we  
16 wait for Mr. Graham to join us, staff filed on January  
17 8th, as I indicated before, a motion to suspend the  
18 procedural orders.

19 And it appears staff's conundrum is a  
20 little bit similar to mine in that they're not sure at  
21 this point what it is they're to investigate because  
22 they're not sure what, what is claimed to, to be in  
23 violation.

24 MS. PETERSON: Can I speak?

25 MR. CLARK: Yes. Go ahead.

1 MS. PETERSON: I feel that I'm the one  
2 who was told by the notice given to the informal  
3 response from Empire that in fact they are proclaiming  
4 that I am in violation of their right to bring over the  
5 equipment of their choice.

6 Okay. So I am in violation because Jay  
7 Eastlake, regulatory manager, requested from them a very  
8 simple request, and he told me, "No problem, they'll  
9 answer this, and I'll just do this. I will tell them  
10 specifically you want another analog if that's what they  
11 want to do. If they want to change your meter for  
12 something they're saying, then I will say that, and  
13 they'll get you an analog."

14 He was as sure -- as right as rain he was  
15 just going to do that, but the response came, and in  
16 between, when I called and asked him how it was going,  
17 there was no one telling me, "We're not going to get you  
18 an analog because we tried, and we just can't find one."  
19 So I said, "Could you -- "

20 MR. GRAHAM: Hello. Can anyone hear me?

21 MS. PETERSON: -- "Could you just come --  
22 "

23 MR. CLARK: Hold on, Mr. Graham.

24 MR. GRAHAM: Hello.

25 MR. CLARK: I can't hear you.

1 MR. GRAHAM: I had to hang up and start  
2 all over. Star six, for your information, does not  
3 work.

4 MR. CLARK: Okay. Well, thank you for  
5 letting me know that. If you'll hold on just for a  
6 second, Mr. Graham, I'll get back to you. I'm going to  
7 let Ms. Peterson finish.

8 MS. PETERSON: Thank you.

9 MR. GRAHAM: Thank you.

10 MS. PETERSON: So, so I was saying to  
11 them because, actually, their main HR guy now used to be  
12 a student of mine. I'm a -- I'm a teacher. And so, I  
13 was telling him -- and his name is Nate. I was telling  
14 Nate, "I don't understand. I've asked for an analog  
15 meter. How's it going?" And he's not getting any real,  
16 you know, traction with that.

17 So he says, "I'm checking with legal."  
18 So I called the engineers inside. I'm just like, "How's  
19 it going? Are you going to get an analog, or are we  
20 just going to repair this one?" "Well, we don't really  
21 repair those." "Huh. That's interesting. Why don't  
22 you repair these? I know record players still get  
23 repaired. Many things that need repaired are  
24 repairable. There's parts out there. And by the way,  
25 why aren't you searching for a supplier to get you

1 another analog for me?"

2 So no response. I've been told, though,  
3 that I'm in noncompliance because now they've somehow  
4 decided they tested it, although initially on my  
5 property when they tested it, which was not to my  
6 consent. They walked back kind of to the back of my  
7 house saying that they had the right to test it since I  
8 didn't want the other meter on the spot, impromptu, no  
9 call beforehand. I'm trying to get to work.

10 So I'm like, "What do I do? Do I call  
11 the police? Do I stand in front of them? I'm 100  
12 pounds. I don't think that's going to work." They  
13 married it on back to the back and proceeded some kind  
14 of calibrating testing, which they've never in their  
15 whole history of our equipment come out here and tested  
16 this meter. It's working fine. It was working fine.  
17 It's still working fine right now.

18 So anyways, they did their testing, and  
19 in fact, he just happened to have a tester in his bag,  
20 although they don't -- they clearly told me they're  
21 phasing these out. That's why they showed up. They're  
22 phasing these out. They're ready to take my analog.  
23 I'm like, "You're not phasing these out. Who gave you  
24 that authority?"

25 So they married it on back, did their

1 little testing with her. Just so happened to have with  
2 them the calibration tools to test it. And they  
3 personally told me to my face -- and that guy's name is  
4 Jake, and he's quite a veteran, he's been with him a  
5 long time -- to my face, "There's nothing wrong with it.  
6 You're good, Ms. Peterson," left my property.

7 Boom, a week and a half later, they show  
8 back up to say, "We've reviewed the test, and furthering  
9 that because you called your senator, we're going to  
10 come get it because we were going to let it go because  
11 there was really a problem with it all along." So this  
12 (indiscernible) --

13 MR. CLARK: Okay. We're, we're going to  
14 -- we're going to -- we're going to stop there.

15 MS. PETERSON: -- incredible.

16 MR. CLARK: Hold on, Ms. Peterson.  
17 You're -- I know you want to talk about everything  
18 utility-related in relation to your meter, but the, the  
19 question before the commission is not whether you've  
20 violated anything. That's not the question. The only  
21 question before the commission right now is, has Liberty  
22 violated -- or Empire, has Liberty violated something  
23 over which the commission would have oversight or not?

24 MS. PETERSON: Okay.

25 MR. CLARK: (indiscernible) at the end of



1 the day. Now, you, so far the best that I can clarify  
2 your complaint -- and you, you have to realize I'm in an  
3 awkward position here. I cannot give you legal advice  
4 even if I see you doing something that is not in your  
5 best interest.

6 I'm not your attorney, and I can't overly  
7 explain things to you other than to explain procedurally  
8 what's happening. But it appears to me that you --  
9 that, that the only thing that I can narrow down that  
10 sounds like it might be a violation is that the meter  
11 that they want to put in, you don't believe meets the  
12 definition of traditional meter. Is that correct?

13 MS. PETERSON: The current, whatever one  
14 he just proclaimed was for something in July, I, I was  
15 given this by Jay Eastlake. This is what you guys  
16 turned into him. So why is it now being said that it's  
17 the wrong one to look at for the definition? This is  
18 what --

19 MR. CLARK: I'm not saying it's the wrong  
20 one, Ms., Ms. Peterson. Again, I said at the beginning,  
21 I'm trying to clarify what the complaint is so that  
22 staff has --

23 MS. PETERSON: Opposing counsel just said  
24 it was the wrong one, that you need to look at something  
25 else.

1 MR. CLARK: No. Opposing counsel  
2 suggested that I look at two tariff sheets, which they  
3 said were applicable to this situation.

4 MS. PETERSON: He --

5 MR. CLARK: And I will be looking at that  
6 and, and all the law, but like I said, I want to clarify  
7 what the complaint is. So that is one thing, that you  
8 don't believe that the -- that the meter they're using  
9 would qualify as a traditional meter.

10 MS. PETERSON: Correct.

11 MR. CLARK: Okay. And in regards to your  
12 safety, the ELF's that you are concerned about, is there  
13 a particular safety standard that you believe they have  
14 violated that you can point to over which the commission  
15 would have some jurisdiction?

16 MS. PETERSON: I think that would be --  
17 honestly, that would be a regulation that FCC would  
18 normally fall in line to say, "We -- level and that  
19 level," just like they do with cell towers. If you put  
20 them too close together, then you got a complaint. Now  
21 the -- now the consumer can say, "Hey. They put them  
22 too close together. You said they have to be 750 feet  
23 apart. My goodness."

24 So then they jump in when I called the  
25 FCC at the consumer side to first try to handle anything

1 like this a couple of years ago, to help other people.  
2 They told me, at the consumer side, not the  
3 administration level side, just the consumer side of  
4 FCC, okay, so where they handle complaints -- she is in  
5 Virginia.

6 Her name is Robin (phonetic). She's got  
7 20 or 30 years with the company, maybe 40. It's been a  
8 year since I've talked to her. But she said that my  
9 complaint needs to go to the state level because they --  
10 once they ship these out or whatever their little  
11 sticker is they put on them, they allow the state's --  
12 unlike cell towers, this ain't their business, okay?

13 They just do a little testing, but it's  
14 bench testing. And she was appalled when I told her  
15 they were putting clusters of 20 together on my mom's  
16 apartment wall. Yeah. That's when I blew her mind.  
17 She said, "We never said they were supposed to be set up  
18 that way." So there's all kinds of things going on with  
19 this. And I -- what I --

20 MR. CLARK: And just to clarify, this is  
21 --

22 MS. PETERSON: Yeah.

23 MR. CLARK: Your complaint is separate  
24 from installing the 20 meters on your mother's mom --  
25 wall?

1 MS. PETERSON: I was -- the, the person  
2 that I was describing some of the situations down here  
3 in Missouri because she said that's Missouri issue,  
4 because -- anything to do with smart meters even though  
5 we -- kind of like the UL stickers go on the other ones  
6 that they're trying to use right now, the nonRF  
7 advanced, those get a UL sticker.

8 They don't get a red sticker. FCC gets  
9 the ones with the red stickers because they have  
10 cellular EMF. And so, cellular EMF, they quantify it,  
11 and they normally will handle complaints about EMF  
12 because I know you're saying this isn't my jurisdiction,  
13 but I wanted to remind you because the clarity came to  
14 my opinion a long time ago with me that the FCC doesn't  
15 have any EMF control in the state level.

16 It's up to the public service  
17 commissions. And she said, "You need to take your  
18 complaint there for your EMF complaint."

19 MR. CLARK: I didn't -- I didn't say that  
20 we had no jurisdiction over --

21 MS. PETERSON: Okay.

22 MR. CLARK: -- things. We would have no  
23 jurisdiction over anything that would be FCC. We do  
24 certainly have some jurisdiction over smart meters, and  
25 they could not have deployed or be deploying smart

1 meters without the commission's permission, which they  
2 do have from a prior case.

3 So again, I -- you're, you're, you're in  
4 an odd case in that I can -- I can move forward on this  
5 traditional meter violation, but what is it with  
6 particularity that you are alleging is unsafe about the  
7 meter that they want to put in?

8 MS. PETERSON: The -- and it's -- like  
9 you said a minute ago, what would you determine with the  
10 ELF that is so troublesome, and how would you be able to  
11 stand behind it one way or the other?

12 And I (indiscernible), but we need to  
13 move to the food and (indiscernible) because they have  
14 the oversight on this kind of what they call control EMF  
15 coming off an electronic because, because it's a UL  
16 sticker, it's a different item, different screening of  
17 who gets to decide what the radiation control amount is.

18 And the only thing they do control over  
19 is what's immediately coming off, like the device  
20 itself. Like, you turn on a little tiny transistor  
21 radio and your hands right next to it, how much  
22 electronic radiation are you receiving from having your  
23 hand near that (indiscernible)? They don't really do  
24 field testing. So unfortunately, when you're putting a  
25 part on someone's interior or exterior of their home at

1 the entry port of circuitry, you're messing with it.

2 And then it's coming in the interior  
3 wiring. That's where the EMF is being created inside  
4 the wiring from appearing fancy -- very specific type of  
5 ELF that's occurring. It's called dirty electricity.  
6 It's a transit.

7 MR. CLARK: Okay.

8 MS. PETERSON: Okay.

9 MR. CLARK: I'm going to stop you there,  
10 Ms. Peterson. Here's what I've got for your complaint  
11 so far, that the meter that they want to install does  
12 not meet the definition of traditional meter, as we've  
13 said, and it sounds like -- as best I can articulate it,  
14 is that the installation of the meter that Liberty  
15 wishes to install with a circuit board due to ELF or EMF  
16 or both violates some sort of safety standard. Is that  
17 correct?

18 MS. PETERSON: Yes, with IQ, the interior  
19 quality. That's a form of environmental evaluation, and  
20 a building biologist is the only one qualified to do  
21 this, a building biologist with an EMRS specialty,  
22 electromagnetic frequency radiation specialty. And I  
23 have that person show up at that hearing. That's why I  
24 keep referring to that hearing. We're talking back to  
25 the rulemaking hearing, OX-2026-0150.

1 MR. CLARK: I, I, I understand exactly  
2 what rulemaking you're hearing -- you're talking about  
3 that has to go in regard to the statute that has not  
4 taken effect yet.

5 MS. PETERSON: Right, but he was the one  
6 evaluating what we're talking about because you said,  
7 how do I determine whether I observed --

8 MR. CLARK: Okay. Let me talk to staff  
9 for a second.

10 MS. PETERSON: Okay.

11 MR. CLARK: Mr. Graham?

12 MR. GRAHAM: Yeah.

13 MR. CLARK: Staff wanted to say the  
14 procedure because they, in -- my understanding is they  
15 really didn't know what they were investigating. Is  
16 that correct, or am I incorrect there? And you are  
17 muted again.

18 MR. GRAHAM: Can you hear me?

19 MR. CLARK: I can hear you. Go ahead.

20 MR. GRAHAM: Okay. Well, thankfully --  
21 first of all, I'd like to enter my appearance in this  
22 case.

23 MR. CLARK: I'm sorry. Did I not take  
24 your (indiscernible) -- okay.

25 MR. GRAHAM: This is Paul Graham of the

1 staff of the Missouri Public Service Commission. I've  
2 been in for the whole thing. I never got to enter my --

3 MR. CLARK: Thank you very much.

4 MR. GRAHAM: -- appearance, Your Honor.

5 So the record will reflect --

6 MR. CLARK: I appreciate you cleaning out  
7 my transcript for me.

8 MR. GRAHAM: Okay. I just listened to  
9 your summary of things that they stand. Your Honor, it  
10 is staff's understanding, and it, it is the case that I  
11 filed the motion in some desperation because the  
12 deadline was coming up and we were in a quandary down  
13 here as to the staff as to what to investigate.

14 It's my understanding that one of the  
15 allegations of the complaint is that the company is in  
16 violation of a -- of a statutory or a regulatory or a  
17 tariff provision that's concerns, what is a traditional  
18 meter? It's my understanding that the complaint states  
19 that the company's in violation of whatever that  
20 standard is.

21 I think it's also my understanding now  
22 that the complainant is alleging that the meter that the  
23 company wishes to install is unsafe by some standard.  
24 What that standard is, that seems to be uncertain at  
25 this point, but in any event, staff knows a little bit



1 more about this case than it did when you started, Your  
2 Honor.

3 So if I -- if I misstated something, I  
4 hope someone will correct me because I understand that  
5 this meeting occurred today in large part, or at least  
6 in some part, because of staff's concern about being  
7 able to properly investigate the case and properly  
8 advise the commission as to what the case is about and  
9 perhaps make a recommendation, which is the -- as Your  
10 Honor knows, is the staff's chief mission in this case.  
11 So that's what I've got to say.

12 MR. CLARK: Okay. Thank you. And I  
13 think you articulated that very well. That sounds  
14 exactly -- I think you did a better job summarizing,  
15 perhaps, than I did in relation to those two, which  
16 would be the traditional meter violation, alleged  
17 violation, and the alleged violation of any safety  
18 related to the meter's ELF or EMF radiation.

19 The first one, I believe, can be clearly  
20 fleshed out because it clearly relates to law and  
21 possibly tariff sheets. The second one is a little bit  
22 more difficult because I am unaware of what existing  
23 safety standards there are. Rather than cut that off at  
24 this time, I would like staff to go ahead and  
25 investigate that to see if we can clarify that down to

1 an actual violation, alleged violation, of something  
2 more specific or whether we need to entertain whether  
3 that is a, a valid claim.

4 MR. GRAHAM: I would make an observation,  
5 Your Honor, if I may.

6 MR. CLARK: Go right ahead, Mr. Graham.

7 MR. GRAHAM: And perhaps this is a  
8 gratuity that I should not throw out there, but as I  
9 understood the conversation leading up to this point,  
10 many, most, or perhaps all of the issues as to safety  
11 that I've heard discussed here were actually discussed,  
12 and expert testimony was submitted concerning -- in  
13 rulemaking procedures. Am I correct? Because that --

14 MR. CLARK: I believe that is incorrect,  
15 and this would be into one of the commission's more  
16 recent rulemakings. And I believe that that, that  
17 rulemaking has not gone into effect yet.

18 MR. GRAHAM: Yes, but the -- but, but the  
19 proceedings have, have occurred, and the rule is going  
20 to go into effect, is my understanding.

21 MR. CLARK: That is correct.

22 MR. GRAHAM: Well, the concern that I  
23 have -- and I, I know this is kind of a gratuitous  
24 remark at this point, but I would be concerned whether  
25 this whole issue, therefore, has been preempted. It has

1     been decided. It is in a sense res judicata.

2                     That's not the right word for rulemaking,  
3     but if all of these matters were considered in  
4     rulemaking procedures and the rule was promulgated with  
5     the evidence that we've heard today, then what this case  
6     amounts to is a collateral attack upon a rule.

7                     MR. CLARK: And it may be, but I don't  
8     know --

9                     MR. GRAHAM: Okay.

10                    MR. CLARK: -- that at this point. I  
11     understand --

12                    MR. GRAHAM: We don't. Yeah.

13                    MR. CLARK: -- but I do not --

14                    MR. GRAHAM: I'm just sharing with you  
15     where -- yeah. I'm just sharing with you where this  
16     proceeding that we've gone through today kind of leaves  
17     staff in its thinking here. We will go ahead and --

18                    MR. CLARK: And it (indiscernible) -- I  
19     didn't mean to interrupt --

20                    MR. GRAHAM: I mean --

21                    MR. CLARK: -- Mr. Graham. Go ahead.

22                    MR. GRAHAM: I, I didn't mean to step on  
23     you there. Of course we'll go ahead and investigate it  
24     and so forth, as, as you wish, but I just wish to throw  
25     that out there because if we're heading towards an

1     evidentiary procedure here, and I understood we were  
2     going to set a procedural schedule today, it, it may be,  
3     Your Honor, that what we have here is in a sense a pure  
4     question of law that can be dealt with procedurally with  
5     briefing.

6                     I just tossed that out there as something  
7     perhaps to think about as we move towards what I take to  
8     be ultimately a procedural schedule order.

9                     MR. CLARK: Well, I'm not going to -- I'm  
10    actually not going to order a procedural schedule today  
11    because I don't want to do that until I've, I've  
12    clarified fully what the, the, the complaint is. And it  
13    appears that that may only be ferreted out possibly by a  
14    staff investigation.

15                    And so, my question at this point, Mr.  
16    Graham, is, how long -- would staff need additional time  
17    to investigate this from its current deadline?

18                    MR. GRAHAM: Well, I have Mr. Backs, Alan  
19    Backs, with me. I -- may I confer with him for just a  
20    second?

21                    MR. CLARK: Please.

22                    MR. GRAHAM: Mr. Backs advises, Your  
23    Honor, or asks that, that we, we have two months from  
24    now, eight weeks. Is that too long? We, we had not set  
25    up --

1 MR. CLARK: Ms. Peterson, you, you -- Ms.  
2 Peterson, you had requested earlier to stay your  
3 complaint while you did some investigation and other  
4 stuff, and I denied that request. Staff has asked for  
5 additional time to investigate this complaint by I  
6 believe about 60 days. Do you have any objections to  
7 staff investigating -- having 60 additional days to  
8 investigate this complaint?

9 MS. PETERSON: I, I have an -- I have an  
10 objective to redirect on this complaint, that eight-  
11 weeks thing.

12 MR. CLARK: I --

13 MS. PETERSON: What I need to  
14 (indiscernible) is that he's stating that this has  
15 already been voted, in which it has, the, the new law --  
16 rule in August. And what I had already asked in my  
17 stuff I turned in just in the last couple days, because  
18 I, I was waiting on the vote too.

19 I've been waiting on the vote -- so when  
20 I found out the vote last Tuesday, I was in a panic  
21 because this is not the outcome we had wanted. They  
22 didn't listen to us when we said that the description of  
23 the word traditional as far as -- scientifically, it's,  
24 it's a train wreck. It's like putting a square peg into  
25 a round hole that -- you can't do this.

1                   This wording is, is so scientifically  
2 inappropriate. Can I put it that way, that it's, it's  
3 sad? And so, what my side presented in that hearing was  
4 to wake up and shake up the facts that -- the only one  
5 that's going to make it into the -- into the traditional  
6 qualification zone.

7                   MR. CLARK: Now --

8                   MS. PETERSON: Now, now, there's -- are  
9 not going to make it. No advanced meters or digital  
10 meters are going to make it into the traditional  
11 qualification zone.

12                  Now, you can have them call opt-out all  
13 you want, but what we're really basically telling the  
14 commissioners, who said they would consider our comments  
15 and our testimonies, is you can't put this definition in  
16 and have it be scientifically correct, even under law,  
17 because that's unlawful, because it's inaccurate,  
18 scientifically inappropriate.

19                  So if we're just waiting on them to  
20 investigate something that was already decided, I'm  
21 already at a point where I'm ready to petition the vote.  
22 I'm, I'm also ready to call it invalid, which I've  
23 called my senators already to call it invalid because we  
24 only had a week notice to prepare to even be at that  
25 hearing, rulemaking hearing. It was supposed to be held

1 in January.

2 PSC bumped it up. I'm not saying you.  
3 I'm just saying they did. They bumped it up on us,  
4 bingo, I get a call, I get a email from public -- office  
5 of public counsel who's watching it for me because I'm  
6 like, "I'm getting my stuff ready. I got a couple  
7 months, you know." And they're like, "Hey. It's next  
8 week. We got to tell you, it's, it's been bumped."

9 I'm like, "What the heck?" I'm trying to  
10 get my expert ready to drive down there. I'm trying to  
11 get people. I have a 500-member Facebook group. It's  
12 not a nonprofit. I'm getting nothing out of this. I'm  
13 not making a nickel out of this, but I got 500 in  
14 Facebook group in St. Louis and 400 down here in  
15 southwest Missouri. That's called Four States Against  
16 Smart Meters, and we hate all this advanced meter stuff.

17 I'm sorry. We had a right to get our  
18 stuff together to submit as comment. We didn't get but  
19 a week to do that. So that is invalid. That is  
20 interfering with our opportunity as a public to get our  
21 comments in here. So if the staff wants to investigate  
22 something, why don't they investigate how's come they  
23 pushed up the timeline? Because we -- if they're  
24 reviewing what our comments were, there's only -- that  
25 thing was scheduled to go from noon to 5:00.

1 Do you know how long it lasted? 40  
2 minutes. Nothing like this rate hikes thing with Empire  
3 where there was tons of people and everybody was ready  
4 and you went all around all the towns and everybody got  
5 to get their little public comment in. We got squat,  
6 and we got the shaft, and now they've ignored what we  
7 did tell them, which was the scientific evidence.

8 And they don't have any -- whatever the  
9 word is called. They don't have any rebuttal, and they  
10 still passed it the way it stands.

11 MR. CLARK: Okay.

12 MS. PETERSON: I'm in petition of it --  
13 I'm in petition of it.

14 MR. CLARK: This complaint does not  
15 address any rights or procedural opportunities that you  
16 would have had to speak in a rulemaking hearing. I'm  
17 not going to address that as part of your complaint. If  
18 you want to file some sort of separate complaint in  
19 regard to that against the --

20 MS. PETERSON: I called the --

21 MR. CLARK: -- public service commission  
22 or not, that's, that's got nothing to do with this  
23 complaint, and I want to stay very much on topic. I'm  
24 not sure --

25 MS. PETERSON: It's stipulated that



1     that's --

2                   MR. CLARK:   Hold on.   Ms. Peterson, I'm  
3     talking now.   That means you need to stop talking.   Bear  
4     with me just a moment.   I lost what I was saying.   What  
5     Mr. Graham was indicating is that his fear is that this  
6     is going to turn into a collateral attack on a  
7     commission rule, and I don't know, but I'm not going to  
8     rule that out right now.

9                   Right now, Ms. Peterson, I'm going to  
10    allow you some -- a pretty broad net.   In other words,  
11    I'm not going to say that your violation is confined,  
12    confined to the traditional meter because I don't know  
13    whether the installation of that meter would violate any  
14    other safety standard.   So I'm going to let staff  
15    investigation continue in regard to that.

16                   If what you were voicing there was an  
17    objection to giving them an additional two months, I'm  
18    going to overrule --

19                   MS. PETERSON:   No.

20                   MR. CLARK:   -- that -- I'm going to  
21    overrule that objection.   I am going to give staff the  
22    additional two months to investigate.   And Mr. Graham,  
23    is that two months from the -- is that two months from  
24    the January 30th or from today?

25                   MR. GRAHAM:   Can you hear me now, please?

1 MR. CLARK: I can. Go ahead, Mr. Graham.

2 MR. GRAHAM: Okay. I, I heard your  
3 question. Let's say 60 days from January the 30th.

4 MR. CLARK: Okay. All right. Let's do  
5 that then. So that's January 30, February 28. How  
6 about March -- yeah. That would be March. How about  
7 March 31st? That's a Tuesday, or I (indiscernible) --

8 MR. GRAHAM: That will be for March.

9 MR. CLARK: -- of a report.

10 MR. GRAHAM: That will be fine with  
11 staff, March 31st.

12 MR. CLARK: Okay. So, Ms. Peterson, I  
13 have given staff two additional months to investigate  
14 this and, and file a report. Given that this is going  
15 to take some time, I am going to waive the commission's  
16 rule that requires that this be resolved within 100  
17 days.

18 So that rule is waived at this time given  
19 the amount of time that it's going to take for staff to  
20 complete their investigation and frankly, for us to  
21 figure out exactly what the bounds of this complaint  
22 are. Now, Mr. Cooper, Liberty is required to file an  
23 answer, and I believe that answer date is January 15th,  
24 which is in two days.

25 I'm assuming -- are you -- are you -- is,

1 is liberty prepared to file an answer, or are they going  
2 to be requesting additional time as well?

3 MR. COOPER: Well, I, I think we'd like a  
4 little bit extra time just because apart -- well, the  
5 second item today that we've identified as an issue is a  
6 little different, I guess, than I would have interpreted  
7 things. What would be reasonable, Your Honor -- I mean,  
8 if we have another couple weeks, that probably is fine,  
9 but --

10 MR. CLARK: Okay. So you would request  
11 to have -- would Brad read January 30th work?

12 MR. COOPER: Yes. Yeah, absolutely.

13 MR. CLARK: Is there any opposition to  
14 extending the time for Liberty to answer this complaint  
15 to January the 30th?

16 MR. GRAHAM: No objection from staff.

17 MR. CLARK: Ms. Peterson, any objection  
18 from you?

19 MS. PETERSON: No objection.

20 MR. CLARK: Office of the Public Counsel?

21 MS. MARTIN: (indiscernible) does not  
22 object.

23 MR. CLARK: Thank you very much. Okay.  
24 I will grant that as well. So answer is now due January  
25 30. Okay. I believe that covers everything that's said

1 by staff, I assume, and I'll allow you to just do this  
2 orally on the record.

3 I assume that you are not wanting me to -  
4 - well, in light -- in light of the new -- in light of  
5 the new -- in light of the extension to March 31st, I'm  
6 going to deny your procedural request now. It, it seems  
7 moot in light of that even though, technically, they're  
8 kind of the same thing. All right. Ms. Peterson, is  
9 there anything -- I just want to --

10 MS. PETERSON: (indiscernible) --

11 MR. CLARK: -- trying to put you on the  
12 spot, and I'm, I'm just trying to clarify what it is the  
13 complaint is so that we can determine whether or not we  
14 can proceed forward with or what portions of the  
15 complaint can be proceeded forward with.

16 MS. PETERSON: Okay. The part of the  
17 other, not that statute that we're talking about with  
18 the word traditional -- and, you know, I want to get  
19 real technical.

20 And I'm still not trying to waste the  
21 court's time me getting real technical, but I did want  
22 to go over this other one that was part of their thing,  
23 that was with how they portray in their tariff the right  
24 -- and it's item H or something, where they can portray  
25 that they have -- after a certain amount of time when

1 they give some notices and notices and notices, then  
2 they have a right to just come and go ahead and say, "I  
3 guess you didn't want the smart meter, so now we're  
4 going to charge the tariff fee."

5 That's how they delineate that they now  
6 get to do the opt-out program.

7 MR. CLARK: Stop --

8 MS. PETERSON: That's how they  
9 (indiscernible) all of this, okay? And so, that -- I am  
10 trying to figure out what page of their tariff it's on,  
11 and I don't see Mr. Cooper even as available now. It's  
12 Mr. --

13 MR. CLARK: I don't see Mr. Cooper  
14 either.

15 MS. PETERSON: So that -- it doesn't seem  
16 to matter to him what they turned in, but this was --

17 MR. CLARK: He may have -- I'm not going  
18 to infer anything.

19 MS. PETERSON: And --

20 MR. CLARK: He may have had technological  
21 problems.

22 MS. PETERSON: Okay. And, and, and I'm  
23 sorry. I just -- I'm not very good at being nice to  
24 people who have wanted to come up here and make harm  
25 with my life. So it's not personal, but I'm, I'm a

1 little frustrated because I'm not an attorney and I'm  
2 trying to talk to a bunch of people who are. So you can  
3 understand my -- if I sound empty, I'm not mad at  
4 anyone. I'm just frustrated. Okay. So we're not  
5 trying to --

6 MR. CLARK: I'm not -- I'm not taking --  
7 Ms. Peterson, I'm not taking any of this personally.

8 MS. PETERSON: Okay.

9 MR. CLARK: I just -- and I -- and I  
10 understand that it can be difficult as a nonattorney to  
11 kind of navigate the legal world. I've said kind of  
12 what the bounds are in terms of what I can do, but I  
13 certainly will stretch as far as I can stretch to allow  
14 your complaint to proceed forward until we know exactly  
15 what the bounds of it are.

16 So I am giving you quite a bit, quite a  
17 bit of net with which to, to cast over a complaint.  
18 What tariff sheet were you referring to as Mr. -- with  
19 Liberty?

20 MS. PETERSON: I'm trying to open --

21 MR. CLARK: This is (indiscernible)  
22 section H. Section H of what?

23 MS. PETERSON: I'm trying to open that  
24 right now so I can find exactly where it's at. It's a -  
25 - it's called H, advanced metering infrastructure, AMI,

1 opt-out, and this is part of their schedule fees, part  
2 of their tariff.

3 Let me get to the top of this page  
4 because it's been stamped by you guys because I turned  
5 it in to the system, but it just says at the top, "Rules  
6 and regulations, all territory." (indiscernible)  
7 talking about their ability to do a termination of  
8 service. And then --

9 MR. CLARK: Top, top right-hand corner,  
10 does it say either revised or replacement or original  
11 sheet number?

12 MS. PETERSON: Well, it's basically  
13 getting our consent by failure to get a response. And  
14 so --

15 MR. CLARK: I understand that -- I  
16 understand that if they ask to do something lawful, and  
17 you prevent them from doing something lawful, but after  
18 a period of time, they can make a move to disconnect.  
19 I'm aware of that.

20 MS. PETERSON: Okay. Well, it says --

21 MR. CLARK: It's (indiscernible) talking  
22 about, but I do not -- and thank you, Mr. Cooper, coming  
23 (indiscernible). I, I don't -- Mr. Cooper, can I -- do  
24 I need to do orders to this effect or not? I assume  
25 that they're not going to disconnect her pending the

1 outcome of this proceeding. And you're muted.

2 MR. COOPER: Sorry about that, Judge.  
3 Yeah. There -- there's no notice that's been given for  
4 disconnection at this point. I -- there's no plans for  
5 disconnection at this point.

6 MS. PETERSON: It was verbally told to me  
7 on my front porch, if I didn't take it, they could just  
8 shut me off. That was on their second --

9 MR. CLARK: I'm going to -- okay. I'm  
10 going to go ahead and order, and I'll codify this in an  
11 order in regard to this issue only.

12 MS. PETERSON: Okay, okay.

13 MR. CLARK: I'm going to prevent them  
14 from disconnecting you during the pendency of this  
15 proceedings, but I'm going to let you know that you are  
16 still responsible for any electrical charges that you  
17 accrue, and you must pay those timely.

18 MS. PETERSON: They are.

19 MR. CLARK: And -- okay, because they  
20 could --

21 MS. PETERSON: Okay.

22 MR. CLARK: If you -- if you stop doing  
23 that, then they certainly can disconnect --

24 MS. PETERSON: Okay --

25 MR. CLARK: -- you (indiscernible) rules.



1 MS. PETERSON: Okay. It's, it's not item  
2 G, which is termination of system, but Opposing Counsel  
3 Cooper, under H, advanced metering infrastructure, AMI,  
4 opt-out, it says, "Customers receiving residential  
5 service have the option of opting out of AMI reading and  
6 electing nonstandard metering service," in such instance  
7 the two-way, and it's quite lengthy.

8 But it basically describes that for  
9 customers that choose to opt out prior to the AMI meter  
10 being set, they -- and -- so that they can do these  
11 premises to disable the two-way communication portion or  
12 they can install the nonAMI meter, which is the one  
13 they're trying to give me, okay?

14 And so -- then they say, "The one-time  
15 setup fee will be assessed, but the ongoing monthly fee  
16 will become applicable," meaning that's when the fee  
17 charges because now you've become an opt-out customer.  
18 And so, by that contract of their decision to do an  
19 infrastructure opt-out program, they binding -- they're  
20 binding us with this tariff.

21 Okay. So we're on this new road that we  
22 didn't know how we consented to, but okay. By consent  
23 to not get a smart meter, we're consenting to a program  
24 of opt-out, according to this. In a normal course of  
25 business, company's replacement of meters may occur to

1 the extent that a customer denies either through  
2 physical impediments, verbal denial, or threats of  
3 violence, access to property, or blah, blah, blah.

4 Timely, we'll be notified in writing that  
5 failure to provide access will result in customer being  
6 considered an opt-out customer. That's how they  
7 conclude it. Now they've concluded it, you're an opt-  
8 out customer. Note sooner than 30 days after that  
9 company notice, which I've never received -- anyways,  
10 company's notification will include information for the  
11 customer to understand the financial impact of the opt-  
12 out status.

13 That's their own contract. And what I --  
14 what I turned in this -- my last thing I've turned in is  
15 a notice of fraud and extortion demand from the  
16 immediate cessation of violations, notice of liability.  
17 And I have filled it out, and it has to do with the opt-  
18 out offered, "This thing they're saying that I've now  
19 done something."

20 So I'm this opt-out. And as such, they -  
21 - if they -- according to this, if they claim that an  
22 opt-out meter is nonstandard meter, that's the qualities  
23 of the digital meter. If they're claiming that, that is  
24 -- actually imposes it's -- I've already turned all this  
25 in. It's fraud under the term of swindling, S-W-I-N-D-

1 L-I-N-G. It's swindling because I didn't ask for the  
2 digital. I asked for the analog.

3 So they want to call it the opt-out  
4 meter. They can do this all they want, and they want to  
5 put it under traditional language of what traditional is  
6 now, and that's scientifically inappropriate and  
7 inaccurate. So I'm not trying to debate law. I'm  
8 trying to amend law. And I was trying to do that at the  
9 hearing, rulemaking hearing, and we did it the most  
10 part, promulgated way we could do it.

11 We went in in person or whatever, and we  
12 presented our papers, and we said this and that. So now  
13 (indiscernible) really trying to (indiscernible)  
14 stickler find the exact scientific problems with the  
15 word traditional, which your staff wants to spend two  
16 months figuring out. And so, if they review everything  
17 I've turned in, maybe we'll get to the bottom of it.

18 But if I got a whiteboard and we're all  
19 standing around, I'll draw it out for you, and I'll  
20 explain it in scientific terms why it will never be.  
21 Even under this, it's contradictive. This is saying it  
22 can't be communicating. And by the way, it's  
23 communicating -- it's communicating with the dirty  
24 transients. So none of this even is effective today or  
25 in July.

1                   So I can dance all we want, but right  
2 now, they're, they're pulling off swindling and fraud,  
3 and you don't even know it's in your regulation. I  
4 really feel that truly because I can read the United  
5 States statutes where it says under Dodd Hobbs  
6 (phonetic), Dodd 18 -- I've, I've sent all this in in my  
7 entries as, as of -- this was the very last thing I sent  
8 in my entries, but I believe --

9                   MR. CLARK: (indiscernible) a number of  
10 things and you've, you've, you've added many more  
11 supporting documentation.

12                  MS. PETERSON: Well --

13                  MR. CLARK: But at this, we're -- we are  
14 where we are right now. I'm not, you know -- I want to  
15 know -- the only question -- the only question before  
16 the commission in a complaint case is whether the  
17 utility has committed a violation over something which  
18 the commission would have jurisdiction.

19                  So that's where we have to get to to  
20 determine. We have to narrow it down to that. And to  
21 that end, I'm allowing staff to do their investigation.  
22 I'm also allowing -- I'm allowing Liberty an additional  
23 -- until the 30th to file an answer and any affirmative  
24 defenses.

25                  MS. PETERSON: But at any time, if a law

1 -- if your statute or your definition is unlawful and  
2 it's scientifically inaccurate, that disqualifies --

3 MR. CLARK: If -- I understand what  
4 you're saying. If we have a collection of rules and  
5 laws that contradict each other or don't work together,  
6 hopefully that will come out in staff's investigation.

7 MS. PETERSON: I'm trying my best to  
8 present it. And so, that's what I am really -- other  
9 than saying it's a fire hazard, which I turned in  
10 another sheet, to the one company that has a smart meter  
11 on my water meter now to declare them under this notice  
12 that they are needing to remove it and not okay. It's  
13 on my metal water pipe.

14 And I told them to get an analog. So we,  
15 we can go all day about what other problems I'm having,  
16 but the only people that's being correct with me right  
17 now is fire. They got me that analog. They've never  
18 touched it. They never come out and said they were  
19 going to test it so that they could take it. As they  
20 entered my house as my steps, they said, verbatim --  
21 Empire guy said, "We are phasing these out."

22 Under what authority? When did the  
23 commission tell them they could do that? I was  
24 appalled. And then they went -- proceeded back, and  
25 that's trespassing. So unlawfully, they gained their

1 test, which they told me in person was fine, and then  
2 they left. They returned because I called my senator.  
3 They told me that to my face when they returned a week  
4 and a half later.

5 MR. CLARK: You're willing to get into  
6 the facts your case, and that's not what we're here for  
7 right now.

8 MS. PETERSON: Okay.

9 MR. CLARK: This is all procedural.

10 MS. PETERSON: I'm sorry.

11 MR. CLARK: Facts and evidence to present  
12 those, you will do that at an evidentiary hearing, if we  
13 have an evidentiary hearing. So we get to that, then  
14 you certainly are welcome to talk about facts that are  
15 relevant to whatever the issues --

16 MS. PETERSON: Then he, he --

17 MR. CLARK: Hold on, Ms. Peterson. I'm  
18 concluding this hearing. We don't have anything else to  
19 talk about at this point unless it's procedurally  
20 related. Do you have a procedurally-related thing?

21 MS. PETERSON: Yes. He's saying he can  
22 submit that there's a problem with my analog or  
23 whatever, and I'm saying, how did he acquire -- that's a  
24 legal search.

25 MR. CLARK: Okay.

1 MS. PETERSON: They didn't even  
2 (indiscernible) appointment. That (indiscernible) do  
3 that.

4 MR. CLARK: Search and seizure -- search  
5 and seizure laws are not under the jurisdiction of the  
6 commission.

7 MS. PETERSON: Okay. So --

8 MR. CLARK: All right. Hold on. I've  
9 given you an opportunity to go on quite a bit, Ms.  
10 Peterson. And I've not given much of an opportunity to  
11 staff or Liberty other than to ask them to answer my  
12 questions. So I'm going to ask right now, Staff, is  
13 there anything else that the commission needs to take up  
14 at this prehearing conference?

15 MR. GRAHAM: No, Your Honor. Can you  
16 hear me?

17 MR. CLARK: I can. Thank you very much.  
18 Mr. Cooper, on behalf of Liberty, is there anything else  
19 that the commission needs to take up at this prehearing  
20 conference?

21 MR. COOPER: Not to my knowledge. No,  
22 Your Honor.

23 MR. CLARK: Okay. Ms. Peterson, is there  
24 anything else that the commission needs to take up at  
25 this prehearing conference?

1 MS. PETERSON: No.

2 MR. CLARK: Okay. We may or may not have  
3 more of these. Like I said, why don't we -- I'm not  
4 going to convene any sort of meeting or procedural or  
5 prehearing conference unless absolutely necessary until  
6 after we have an answer and a staff rec because that'll  
7 give me a much better idea of where we are and maybe I  
8 can ask some questions that won't be so frustrating to  
9 you, Ms. Peterson.

10 MS. PETERSON: Thank you.

11 MR. CLARK: All right. With that in  
12 mind, I'm going to adjourn this hearing, and I will  
13 issue an order today codifying the orders that I made  
14 orally during this prehearing conference. Thank you  
15 very much for taking the time out to appear at this  
16 today.

17 MS. PETERSON: Thank you.

18 MR. CLARK: And we are adjourned. Let's  
19 go off the record.

20 (End of audio recording.)

21

22

23

24

25



CERTIFICATE OF TRANSCRIPTIONIST

I, JOE HERMAN, do hereby certify:

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IN WITNESS THEREOF, I have hereunto set  
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Joe Herman

Joe Herman

|                                            |                             |                                                                                                                                                                     |                                                                      |                                                                                                                                                                                                   |
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