

1 BEFORE THE PUBLIC SERVICE COMMISSION

2 STATE OF MISSOURI

3 TRANSCRIPT OF PROCEEDINGS

4 PREHEARING CONFERENCE

5 Elizabeth Peterson,)

6 Complainant,) Case No.: EC-2026-0150

7 v.)

8 The Empire District)

9 Electric Company d/b/a)

10 Liberty,)

11 Respondent.)

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

15 Jefferson City, MO
16 via WebEx

17 VOLUME 1

19 JOHN CLARK, Presiding
20 SENIOR REGULATORY LAW JUDGE

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

24 Transcribed by:

25 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, Swearengen &
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 forgot 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.

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.

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 impedements, 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 contradictory. 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.)

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11 nor to their respective counsel.

12
13 IN WITNESS THEREOF, I have hereunto set
14 my hand this 17th day of January, 2026.



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17 Joe Herman
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0	52:23 31st 42:7,11 44:5 386.390 8:4	9 9:00 2:3	22:11 34:11 36:10 50:24 ADA 7:13,16 10:4,5,10,18, 22 11:21 added 52:10	28:14 29:9 agree 16:15 agreement 15:3,12 ahead 5:8 20:25 31:19 33:24 34:6 35:17,21,23 42:1 45:2 48:10 ain't 27:12 Alan 36:18 all 6:2 8:3,19, 24 10:17 14:20 16:23 17:6 22:2 24:11 26:6 27:18 31:21 34:10 35:3 38:12 39:16 40:4 42:4 44:8 45:9 47:6 50:24 51:4,18 52:1, 6 53:15 54:9 allegations 4:19 9:21 32:15 allege 8:7 alleged 4:16, 17 5:14 6:25 7:5,6 8:4 33:16,17 34:1 alleging 29:6 32:22 alley 13:13 allow 27:11 41:10 44:1 46:13
0150 2:8				
1	386.820 19:1	A		
1 14:12 19:16	4	a.m. 2:3		
10 8:16	40 27:7 40:1	ability 47:7		
100 23:11 42:16	400 39:14	able 7:2 29:10 33:7		
11 19:25	410 17:5	about 6:15 7:19 16:7,17 17:9 19:2 20:3 24:17 26:12 28:11 29:6 31:2,6 33:1,6,8 36:7		
110 17:5	4240-2.090 4:7	37:6 42:6 44:17 47:7,22 48:2 53:15 54:14,19		
13 2:2	5	absolutely 43:12		
13th 14:10		acceptable 20:4		
15 19:19	5 19:25 20:2	access 50:3,5		
15th 42:23	50 14:12	according 49:24 50:21		
17F 20:2	500 39:13	accrue 48:17		
18 52:6	500-member 39:11	acknowledge 12:18		
2	5:00 39:25	acquire 54:23		
20 4:6 9:18 15:23 27:7, 15,24	6	act 4:15 6:9		
2026 2:2	6 4:7	actual 8:19 34:1		
240 17:4	60 37:6,7 42:3	actually 3:14 4:10 6:2 10:10 18:15		
28 42:5				
28th 7:7	7			
3	750 26:22			
30 27:7 42:5 43:25 50:8	8			
30th 4:12 41:24 42:3 43:11,15	8th 4:8 20:17			

allowed 5:24	analysis 8:14, 18 9:4	appear 5:2	32:13 33:8,9 34:8,10 35:24	38:21,24 42:18 45:23
allowing 52:21,22	Anna 3:7	appearance 2:12 3:6 31:21 32:4	36:6,7 37:23 39:18,20 40:17 43:2,5, 24 45:11 46:10,13,18 50:20 52:7 53:19,20	46:3,24 47:5 48:4,5 51:8 52:13,25 54:12,19
along 24:11	another 4:15 10:19 11:8 21:10 23:1 43:8 53:10	appearing 2:24 30:4	24 45:11 46:10,13,18 50:20 52:7 53:19,20	attack 35:6 41:6
aloud 4:2	answer 19:18 21:9 42:23 43:1,14,24 52:23	appears 20:19 25:8 36:13	aside 2:3	attorney 2:17, 18 4:14,21 8:15 11:12 25:6 46:1
already 9:13, 20 18:9 37:15,16 38:20,21,23 50:24	answering 19:22	applicable 7:12 26:3 49:16	ask 47:16 51:1	attorney's 9:3
also 9:6,25 10:3 12:24 15:14 17:1 32:21 38:22 52:22	any 3:3 4:14 5:22 6:9,10, 12,13,14,21, 23 12:6 16:11 17:24 22:15 28:15 32:25 33:17 37:6 40:8,9,15 41:13 43:13, 17 46:7 48:16 52:23,25	applies 5:17	asked 4:16 9:9 11:21 15:17 21:16 22:14 37:4,16 51:2	audio 3:3
although 23:4,20	apply 7:23	appreciate 32:6	asking 2:11 4:13 5:1	August 7:7 37:16
always 5:11	approached 9:8	approached 9:8	asks 36:23	authority 5:9 6:13,22 8:9 23:24 53:22
ambiguity 18:7	approximately 17:5	area 15:20	asserted 7:13	authorize 5:20
ambiguous 19:3	around 8:5	around 8:5	assessed 49:15	authorized 4:15
amend 51:8	anyone 21:20 46:4	assume 44:1, 3 47:24	automated 12:13	available 45:11
AMI 12:13,24 46:25 49:3,5, 9	anything 24:20 26:25	articulate 30:13	assuming 10:4 42:25	avoid 15:21
amount 29:17 42:19 44:25	28:4,23 44:9 45:18 54:18	articulated 33:13	at 3:3 4:5,23 7:3,5 8:3,19 10:20 11:2,5 12:8 15:5,7 17:8,13,21 18:13,21 20:20 24:25 25:17,20,24 26:2,5,25 27:2 29:25 30:23 32:24 33:5,23 34:24 35:10 36:15	aware 47:19
amounts 35:6	anyways 23:18 50:9	as 2:5,6,21 3:2,5 4:4,11	away 19:4	away 19:4
analog 8:20 9:16 12:9,12, 23,24 15:13 21:10,13,18 22:14,19 23:1,22 51:2 53:14,17 54:22	apart 12:21 26:23 43:4	5:1 7:15 8:24 9:15 10:25 11:5,15,22 12:8,22 14:3, 16 18:3,19 19:2,3 20:2,9, 17 21:14 26:9 30:12,13	awkward 25:3	available 45:11
	apartment 15:21,22,24, 25 27:16			
	appalled 27:14 53:24			

25 24:8 30:24 53:24 Backs 36:18, 19,22 bag 23:19 basically 38:13 47:12 49:8 Bear 41:3 bearing 8:21 9:16 because 5:13, 16 8:14 13:15 14:6 15:14, 22,25 16:16, 23 18:18 19:21 20:21 21:6,18 22:11 23:3 24:9,10 27:9 28:3,4,9, 12,13 29:13, 15 31:6,14 32:11 33:4,6, 20,22 34:13 35:25 36:11 37:17,21 38:17,23 39:5,23 41:12 43:4 46:1 47:4 48:19 49:17 51:1 52:4 54:2 become 19:16 49:16,17 before 3:16 8:13 20:17 24:19,21 52:15 beforehand 23:9	beg 3:24 begin 2:11 beginning 25:20 behalf 2:20,24 3:2 4:15 9:19 20:7 behind 29:11 believe 7:12, 13 9:23 12:22 13:9,11 25:11 26:8,13 33:19 34:14,16 37:6 42:23 43:25 52:8 bench 27:14 besides 14:13 17:1 best 25:1,5 30:13 53:7 better 33:14 between 5:25 21:16 big 10:20 17:8 binding 49:19,20 bingo 39:4 biologist 30:20,21 bit 7:18 13:15 20:7,20 32:25 33:21 43:4 46:16,17 blah 50:3 blew 27:16 board 13:25 17:3,20,25	30:15 boom 11:2 24:7 both 11:16 30:16 bottom 51:17 bounds 42:21 46:12,15 bring 21:4 broad 4:22 41:10 broadcast 13:2,17,22 besides 14:13 17:1 best 25:1,5 30:13 53:7 better 33:14 between 5:25 21:16 big 10:20 17:8 binding 49:19,20 bingo 39:4 biologist 30:20,21 bit 7:18 13:15 20:7,20 32:25 33:21 43:4 46:16,17 blah 50:3 blew 27:16 board 13:25 17:3,20,25	25:8 26:6 27:8,13 28:13 29:5,12 31:5 32:25 34:8, 18,24 35:3,7, 13,24 38:13 39:13,18 41:7 43:9 44:21 45:16,25 46:12 47:5, by 2:11,18 4:17 6:10,13, 23 9:9 10:19 13:12,13 14:11 16:19 19:3,19 21:2 22:24 25:15 32:23 36:13 37:5 44:1 47:4,13 49:18,22 51:22	23 21:16 22:18 24:9 26:24 30:5 38:23 39:15 40:9,20 46:25 54:2 came 10:2,4 19:9 21:15 28:13 cannot 3:14 6:16 25:3 capability 17:6 capable 13:5 captioned 2:5 case 2:5,7 4:9 5:24 6:19 7:3 9:4,6,9,12,13 13:5 29:2,4 31:22 32:10 33:1,7,8,10 35:5 52:16 54:6 cases 5:7,13, 25 7:11 13:1 cast 46:17 causer 5:15 cell 26:19 27:12 cellular 14:16 28:10 certain 5:23, 24 6:17 44:25 certainly 28:24 46:13 48:23 54:14 certified 10:13 11:2
---	---	--	---	--

cessation 50:16	27:20 33:25 44:12	cleaning 32:6 clear 3:16 4:2 7:19 13:16	41:7 52:16,18 53:23	52:16
Chad 15:17	clarity 3:17 20:7 28:13	clearly 23:20 33:19,20	commission's 6:12,22 8:9 29:1 34:15 42:15	complaints 6:3,5 27:4 28:11
change 21:11	Clark 2:1,9, 14,17,20 3:1, 9,12,21 4:1	close 26:20, 22	commissioner s 38:14	complete 42:20
changes 5:20	7:25 8:7 11:4, 7,11,15,19,24	clusters 27:15	commissions 28:17	complex 15:21,25
charge 45:4	12:2,5,11,19, 25 13:6,14,20	codify 48:10	committed 52:17	compliance 7:13
charges 48:16 49:17	17:10,12,15, 19,23 18:2, 11,21,25	collateral 35:6 41:6	communicatin g 51:22,23	componentry 17:2
chart 18:7	19:6,10,13,20	collection 53:4	communicatio n 49:11	computer 3:25
checking 22:17	20:6,13,25	come 5:21 11:2 15:20	company 2:6, 21,25 19:18 27:7 32:15,23 50:9 53:10	concern 33:6 34:22
chief 33:10	21:23,25 22:4	18:17 20:2	company's 32:19 49:25 50:10	concerned 7:21 26:12 34:24
choice 21:5	24:13,16,25	21:21 23:15	complainant 2:5 32:22	concerning 34:12
choose 49:9	25:19 26:1,5, 11 27:20,23	24:10 39:22	comment 39:18 40:5	concerns 5:8 32:17
choosing 8:24	28:19,22	45:2,24 53:6, 18	comments 38:14 39:21, 24	concise 7:18
circuit 13:25	30:7,9 31:1,8, 11,13,19,23	coming 3:15 4:2 17:7,8	complaint 4:17 5:7 6:7, 16,25 7:16,19	conclude 50:7
17:3,20,25	32:3,6 33:12	29:15,19 30:2	8:3 11:16,25 12:7 18:16	concluded 50:7
30:15	34:6,14,21	32:12 47:22	19:19 25:2,21 26:7,20 27:9,	concluding 54:18
circuitry 14:3	35:7,10,13,	commission 2:3 3:2 4:6	23 28:18	confer 36:19
30:1	18,21 36:9,21	5:9,16,18,21	30:10 32:15,	conference 2:4 3:16 4:3, 6,11
circumstance s 5:23 6:17	37:1,12 38:7	6:13,15,23	18 36:12	confidentially 4:14
citing 19:8	40:11,14,21	7:14 8:2,10, 16 11:3	37:3,5,8,10 40:14,17,18, 42:21	
civic 14:14	41:2,20 42:1, 4,9,12 43:10,	24:19,21,23	43:14 44:13, 15 46:14,17	
claim 6:11,21	13,17,20,23	26:14 32:1		
34:3 50:21	44:11 45:7,	33:8 40:21		
claimed 20:22	13,17,20			
	46:6,9,21			
claiming 50:23	47:9,15,21			
	48:9,13,19,			
clarified 36:12	22,25 52:9,13			
	53:3 54:5,9,			
clarify 4:16	11,17,25			
9:24 12:6	classified 18:3			
25:1,21 26:6				

confined 41:11,12	42:22 43:3,12 45:11,13	course 19:7 35:23 49:24	dealt 36:4	28:2
consent 23:6 47:13 49:22	47:22,23 48:2 49:3	court's 44:21	Dean 2:22 12:14	description 16:17 18:19 19:2 37:22
consented 49:22	corner 18:22 47:9	covered 9:13	debate 51:7	desperation 32:11
consenting 49:23	corporation 6:10 10:12	covers 43:25	December 4:13	determination s 7:15
consider 38:14	correct 2:15 11:9,13,17 12:3,4,9,14	created 30:3	decide 29:17	determine 29:9 31:7 44:13 52:20
considered 35:3 50:6	13:3,18,19,22 17:20,21,25	credentials 14:12	decided 23:4 35:1 38:20	device 29:19
constraining 5:23	18:4 25:12 26:10 30:17	CSR 4:6	decision 6:14 49:18	different 29:16 43:6
construed 6:4	31:16 33:4 34:13,21	cups 16:12	decisions 5:25 11:12	difficult 33:22
consumer 8:23 26:21,25 27:2,3	38:16 53:16	current 2:3 16:15 20:3 25:13 36:17	declare 53:11	46:10
continue 41:15	correspondin g 12:6	currently 9:17 12:9,20 13:8, 10,17 15:2 17:16	defenses 52:24	difficulty 6:19
contract 7:24 49:18 50:13	cost 8:14,18 9:4	customer 49:17 50:1,5, 6,8,11	defined 18:19	digital 8:19 14:2,15 38:9 50:23 51:2
contradict 53:5	could 9:24,25 10:4 12:15	customers 49:4,9	definition 16:19 25:12, 17 30:12 38:15 53:1	direction 7:4
contradictive 51:21	14:7 15:10,21 21:19,21	cut 17:15 33:23	delineate 45:5	dirty 30:5 51:23
control 28:15 29:14,17,18	28:25 48:7,20 51:10 53:19, 23	D	demand 18:16 50:15	disable 49:11
conundrum 20:19	couldn't 10:5	d/b/a 2:25	denial 50:2	disconnect 47:18,25 48:23
conversation 34:9	counsel 3:5,6, 8 5:6,10 25:23 26:1	dance 52:1	denied 37:4	disconnecting 48:14
Cooper 2:22, 23 3:1 12:14, 15,16,20 13:4,9 19:5,7, 12,15,23	39:5 43:20 49:2	date 2:2 42:23	denies 50:1	disconnection 48:4,5
	country 14:12	day 25:1 53:15	deny 44:6	discussed 9:20 34:11
	couple 16:5 27:1 37:17	days 37:6,7, 17 42:3,17,24 50:8	deployed 28:25	disqualifies 53:2
	39:6 43:8	deadline 32:12 36:17	deploying 28:25	District 2:6, 21,24
			describes 49:8	
			describing	

division 10:25	31:4 34:17,20 47:24	emission 14:24	environmental 30:19	33:22
documentatio n 52:11	effective 19:16 51:24	emitting 14:22	EPA 14:13	expect 10:6
Dodd 52:5,6	eight 14:19 36:24	Empire 2:6, 20,24 9:20,23 15:4,9,18 18:6,15 21:3 24:22 40:2 53:21	8:23 16:24 21:5 23:15	expert 14:10, 11 34:12 39:10
doing 2:6,21 8:8 17:6 25:4 47:17 48:22	eight- 37:10	evaluating 31:6	explain 8:2 14:21 25:7 51:20	
done 5:13 6:10,16 9:4 10:14 20:4 50:19	either 45:14 47:10 50:1	evaluation 30:19	explained 14:14	
down 13:15 17:5 25:9 28:2 32:12 33:25 39:10, 14 52:20	electing 49:6	even 10:16 25:4 28:4	explanation 14:20	
draw 10:21 17:7 18:8 51:19	Electric 2:6, 21,25	EMRS 30:21	extending 43:14	
drawn 10:21	electrical 8:20 48:16	EMSR 14:10	extension 44:5	
drew 8:15 9:6	electricity 30:5	enclosed 10:15	extent 50:1	
drive 13:12,13 39:10	electromagnet ic 5:14 7:10 30:22	encouraged 5:6	exterior 29:25	
due 17:2 30:15 43:24	electronic 29:15,22	end 10:20 24:25 52:21	extortion 50:15	
during 48:14	ELF 14:23 29:10 30:5,15 33:18	enforce 18:17	extra 43:4	
duty 14:14	ELFS 26:12	engineers 22:18	<hr/>	
<hr/>	Elizabeth 2:5, 13	England 2:24	F	
E	else 25:25 54:18	enlighten 12:15	face 24:3,5 54:3	
each 53:5	email 39:4	enough 16:2	Facebook 39:11,14	
earlier 37:2	EMF 14:11,23 17:1 28:10, 11,15,18 29:14 30:3,15 33:18	enter 2:11 31:21 32:2	fact 4:21 8:22 10:20 13:2 21:3 23:19	
Eastlake 16:16 18:14 21:7 25:15	entered 53:20	entered 34:2	facts 38:4 54:6,11,14	
EC-2026- 2:7	entertain 34:2	entity 6:11	failure 47:13 50:5	
effect 5:21 7:7	entries 52:7,8	entries 52:7,8	fall 26:18	
	entry 3:5 10:15 30:1	entry 3:5 10:15 30:1		
	Emily 20:9,14	except 6:16		
		existing 19:25		

familiar 13:1	find 15:10 21:18 46:24 51:14	51:1,2,19 54:6	furthering 24:8	glad 4:11 5:6
families 16:12	fine 15:13 23:16,17 42:10 43:8	forget 8:13	go 2:1 3:17,21 5:8 9:24 10:3 11:3 14:25 15:15 18:9 20:25 24:10	
fancy 30:4	form 30:19	formal 19:18	gathered 19:10	27:9 28:5 31:3,19 33:24 34:6,20 35:17,21,23 39:25 42:1
far 25:1 30:11 37:23 46:13	forth 6:8 35:24	forward 6:25 29:4 44:14,15 46:14	gave 10:9 23:23	44:22 45:2 48:10 53:15
fault 4:1	firm 2:23	found 11:21 37:20	get 10:7 15:22 16:13,20,21 17:9 19:3,20	goes 6:15 8:24 15:3
FCC 26:17,25 27:4 28:8,14, 23	first 7:20 10:15 11:22 15:11,18 26:25 31:21 33:19	Four 39:15	frame 9:12 28:7,8 39:4, 10,11,17,18, 20 40:5 44:18	goggles 13:13
fear 41:5	fix 10:18	foxtrot 20:3	frankly 42:20 24:20	going 2:11 3:4,15,17,25 4:4,20,24
February 42:5	fleshed 33:20	fraud 50:15, 25 52:2	frequency 30:22	9:21 13:24 14:24 15:12, 25 16:1 20:2
fee 45:4 49:15,16	food 29:13	from 2:23 3:6 8:14 10:11 12:21 13:1,20 14:14 17:7 21:3,7 27:24 29:2,22 30:4 36:17,23 39:4,25	from 2:23 3:6 8:14 10:11 12:21 13:1,20 14:14 17:7 21:3,7 27:24 29:2,22 30:4 36:17,23 39:4,25	21:15,16,17 22:6,15,19,20 23:12 24:9, 10,13,14
feel 21:1 52:4	for 2:4,12 3:16,18 4:18, 22,23 5:1,19 6:4,25 7:17	getting 3:3 9:1 14:24 19:4 22:15 39:6,12 44:21	get 10:7 15:22 16:13,20,21 17:9 19:3,20	27:18 30:9 34:19 36:2,9, 10 38:5,9,10
fees 47:1	fix 10:18	frequency 30:22	give 25:3 41:21 45:1 49:13	40:17 41:6,7, 9,11,14,18, 20,21 42:14, 15,19 43:1
feet 26:22	fleshed 33:20	from 2:23 3:6 8:14 10:11 12:21 13:1,20 14:14 17:7 21:3,7 27:24 29:2,22 30:4 36:17,23 39:4,25	given 5:12 21:2 25:15 42:13,14,18 48:3	44:6 45:4,17 47:25 48:9, 10,13,15
felt 9:11	food 29:13	frankly 42:20 24:20	gives 16:11	53:19
ferreted 36:13	for 2:4,12 3:16,18 4:18, 22,23 5:1,19 6:4,25 7:17	frankly 42:20 24:20	giving 41:17 46:16	gone 7:7 34:17 35:16
few 17:16	fix 10:18	frankly 42:20 24:20	good 24:6 45:23	
field 29:24	fleshed 33:20	frankly 42:20 24:20		
fields 5:14 7:10	food 29:13	frankly 42:20 24:20		
figure 42:21 45:10	for 2:4,12 3:16,18 4:18, 22,23 5:1,19 6:4,25 7:17	frankly 42:20 24:20		
figuring 51:16	fix 10:18	frankly 42:20 24:20		
file 3:11 4:14 6:6 40:18 42:14,22 43:1 52:23	fleshed 33:20	frankly 42:20 24:20		
filed 4:7,12,21 20:16 32:11	food 29:13	frankly 42:20 24:20		
filled 50:17	for 2:4,12 3:16,18 4:18, 22,23 5:1,19 6:4,25 7:17	frankly 42:20 24:20		
financial 50:11	fix 10:18	frankly 42:20 24:20		

goodness 26:23	guy's 24:3	35:25	hit 8:13 20:12	However 5:12 12:21
got 11:1 15:6, 11 17:16 26:20 27:6 30:10 32:2 33:11 39:6,8, 13 40:4,5,6, 22 51:18 53:17	guys 25:15 47:4	hear 3:14,20 20:14 21:20, 25 31:18,19 41:25	Hobbs 52:5	HR 22:11
gracious 16:2,4	H	heard 34:11 35:5 42:2	hold 21:23 22:5 24:16 41:2 54:17	Huh 22:21
Graham 3:3, 20,23 20:7, 13,16 21:20, 23,24 22:1,6, 9 31:11,12, 18,20,25 32:4,8 34:4,6, 7,18,22 35:9, 12,14,20,21, 22 36:16,18, 22 41:5,22,25 42:1,2,8,10 43:16	half 24:7 54:4	hearing 14:8 30:23,24,25 31:2 38:3,25	hole 37:25	human 15:4
grant 43:24	halt 4:8	hand 29:23 40:16 51:9 54:12,13,18	home 15:2 29:25	I
gratuitous 34:23	handed 18:15	handle 26:25 27:4 28:11	honest 4:24	idea 5:8
gratuity 34:8	hands 29:21	heck 39:9	honestly 26:17	identified 43:5
ground 14:5	hang 22:1	held 38:25	Honor 2:22 32:4,9 33:2, 10 34:5 36:3, 23 43:7	if 5:20 9:9,14, 17,25 10:3 13:25 19:7 20:4,8,13 21:10,11 22:5
group 39:11, 14	happen 13:25	Hello 3:7 21:20,24	Hook 15:10, 17	25:4 26:19 33:3,25 34:5
guards 16:10	happened 4:3 23:19 24:1	help 16:3 27:1	hope 33:4	35:3,25 38:19
guess 43:6 45:3	happening 16:13 25:8	helps 19:17	hopefully 53:6	39:21,23
guns 16:10	happy 16:22	here 3:5,25 5:6 11:2,3,15 16:16 18:17	house 9:17 15:14 16:25 23:7 53:20	40:17 41:16 43:8 46:3
guy 22:11 53:21	harder 14:25	harm 5:15 45:24	household 9:19	47:16 48:7,22 50:21,23 51:16,18 52:25 53:1,3, 4 54:12
	hat 9:3	hat 9:3	houses 16:14	ignored 40:6
	hate 39:16	hertz 13:2	how 7:22 13:6 14:21 17:9	immediate 50:16
	having 4:25 6:19 29:22 37:7 53:15	Hey 19:5 26:21 39:7	21:16 29:10, 21 31:7 36:16	immediately 29:19
	hazard 14:6 17:2 53:9	hike 8:22	40:1 42:5,6 44:23 45:5,8	impact 50:11
	He'll 20:11	hikes 40:2	49:22 50:6 54:23	impediments 50:2
	head 12:15 15:4	hire 16:9	how's 13:7 22:15,18	imposes 50:24
	heading	hiring 15:19	39:22	impromptu 23:8
		history 23:15		

in 2:4 3:15 4:2,9,18,21, 23 5:7,10,17 6:2,4,8,11,21, 24 7:3,4,11, 13,17,18 8:8, 14,15,22,24 9:3,4,13 10:2, 4,11,12,15, 20,22,24 12:6 13:2,8,10,11, 13,24 14:12, 17 15:1,14,20 16:1 18:3,15, 16 19:9,21,24 20:1,2,20,22 21:3,4,6,15 23:3,11,14,19 24:18 25:2,4, 11,14 26:11, 18,24 27:4 28:3,15 29:3, 4,7 30:2 31:3, 14,21 32:2, 11,12,15,19, 25 33:5,6,10, 15 34:12 35:1,3,17 36:3 37:15, 16,17,20 38:3,15 39:1, 13,14,21 40:5,12,13, 16,18 41:10, 15 42:24 44:4,5,7,23 45:16 46:12 47:5 48:10,11 49:6,24 50:4, 5,14,25 51:11,17,20, 25 52:3,6,8, 16 53:6,9 54:1	inaccurate 38:17 51:7 53:2 inappropriate 38:2,18 51:6 include 4:14 9:10 50:10 included 7:9, 10 13:24 inconclusive 16:20 incorrect 31:16 34:14 increase 9:5, 15,19,22 increases 9:8 incredible 24:15 independently 10:11 14:21 indicated 7:8, 14 20:17 indicating 41:5 indiscernible 11:20 18:11 24:12,25 29:12,13,23 31:24 35:18 37:14 42:7 43:21 44:10 45:9 46:21 47:6,21,23 48:25 51:13 52:9 individual 4:18 11:9,12, 16 15:4	individual's 4:15 infer 45:18 18:16 21:2 include 4:14 9:10 50:10 included 7:9, 10 13:24 inconclusive 16:20 incorrect 31:16 34:14 increase 9:5, 15,19,22 increases 9:8 incredible 24:15 independently 10:11 14:21 indicated 7:8, 14 20:17 indicating 41:5 indiscernible 11:20 18:11 24:12,25 29:12,13,23 31:24 35:18 37:14 42:7 43:21 44:10 45:9 46:21 47:6,21,23 48:25 51:13 52:9 individual 4:18 11:9,12, 16 15:4	interrupt 35:19 into 5:21 7:7 9:24,25 15:6, 7 20:2 25:16 34:15,17,20 37:24 38:5,10 41:6 54:5 intricate 17:2 introduce 9:14 invalid 38:22, 23 39:19 investigate 20:21 32:13 33:7,25 35:23 36:17 37:5,8 38:20 39:21, 22 41:22 42:13 investigating 31:15 37:7 investigation 36:14 37:3 41:15 42:20 52:21 53:6 involved 15:14 IQ 30:18 issue 4:22,23 18:2 28:3 34:25 43:5 48:11 issued 4:13 issues 4:5 5:10,11 8:3 34:10 54:15 it 3:14 5:21, 22,23 6:15,20	7:3,25 8:13, 15,22,24 9:5, 11,13,14,17, 18,20,25 10:5,7,13,16, 17,19,22 11:2,18,20 12:2,23 13:17,24 14:3,5,6,19, 21,22,23 15:25 16:16, 19 17:1,2,5, 24 18:6,8,12, 15,22 19:17 20:19,21 21:16 22:15, 19 23:4,5,7, 13,16,25 24:2,5,10,11 25:8,10,16,24 28:10 29:5, 11,21 30:1,13 32:9,10 33:1, 20 34:25 35:1,7,18,23 36:2,12 37:15 38:2,5,9,10, 16,22,23,25 39:2,3,5 40:1, 10,12,13 44:6,12 45:15 46:10,15 47:5,10,20 48:6,7 49:4,8 50:7,17 51:3, 5,9,10,17,19, 20,21 52:5,20 53:8,12,18,19 it's 4:1 5:24, 25 6:23 11:24 12:5,16,24 13:9,10,11 14:6,22,23
--	--	--	--	---

16:7 23:16,17 25:16,19 27:7,13 28:16 29:8,15,16 30:2,5,6 32:14,18,21 37:23,24 38:2,17 39:7, 8,11 40:25 42:19 44:24 45:10,11,25 46:24,25 47:4,12,21 49:1,7 50:24, 25 51:1,21, 22,23 52:3 53:2,9,12 54:19	joke 14:13 Joplin 15:20 judge 2:10 3:20 19:5 48:2 judicata 35:1 judicial 5:3 July 19:16 25:14 51:25 jump 26:24 jurisdiction 5:9,11,16 6:1 7:14 10:6,7,9 26:15 28:12, 20,23,24 52:18 jurisdictions 7:11 just 3:4,16 5:5,15,21 8:13,24 9:4,7, 14,23 10:18, 21 11:17,19 12:5 15:15 16:22 20:15 21:9,15,18,21 22:5,18,20 23:19 24:1 25:14,23 26:19 27:3, 13,20 32:8 35:14,15,24 36:6,19 37:17 38:19 39:3 41:4 43:4 44:1,9,12 45:2,23 46:4, 9 47:5 48:7	K Kaufman 9:7, 21 Kaufman's 9:9 keep 14:24 30:24 kind 7:4 10:12 13:16 16:7,24 17:19 23:6,13 28:5 29:14 34:23 35:16 44:8 46:11 kinds 8:23 27:18 know 3:24 4:3 9:2 13:4,10 14:21 16:1,8, 24 19:17,21 22:5,16,22 24:17 28:12 31:15 34:23 35:8 39:7 40:1 41:7,12 44:18 46:14 48:15 49:22 52:3,14,15 known 16:6 knows 32:25 33:10	last 15:10 37:17,20 50:14 52:7 lasted 40:1 later 24:7 54:4 law 2:10,23 6:12,22 8:9 26:6 33:20 36:4 37:15 38:16 51:7,8 52:25 lawful 47:16, 17 laws 53:5 lay 7:19 layers 16:23 leading 34:9 least 7:3 12:8 33:5 leaves 35:16 left 24:6 54:2 legal 10:24,25 11:12 22:17 25:3 46:11 54:24 legally 10:22 legitimate 10:22 lengthy 49:7 let 22:7 24:10 31:8 41:14 47:3 48:15 L L-I-N-G 51:1 language 51:5 large 9:22 33:5	letting 22:5 level 17:4 26:18,19 27:3,9 28:15 liability 50:16 liberty 2:7,21, 25 6:7 7:24 12:12 16:1 24:21,22 30:14 42:22 43:1,14 46:19 52:22 life 45:25 light 44:4,5,7 like 22:18 23:10,23 25:10 26:6,19 27:1 28:5 29:8,19,20 30:13 31:21 33:24 37:24 39:6,7,9 40:2 43:3 line 26:18 lines 17:7 listen 37:22 listened 32:8 little 9:6 12:17 13:15 18:18 20:7,20 24:1 27:10,13 29:20 32:25 33:21 40:5 43:4,6 46:1 lived 15:14 long 16:7,17 24:5 28:14 36:16,24 40:1
item 29:16 43:5 44:24 49:1				
its 3:18 35:17 36:17				
itself 29:20				
J				
Jake 24:4				
January 2:2 4:8 20:16 39:1 41:24 42:3,5,23 43:11,15,24				
Jay 16:16 18:14 21:6 25:15				
job 33:14				
John 2:9 9:6, 8,21				
join 20:16				

longer 11:23 12:2	8,11 44:5	meeting 33:5	3:13,18	mother 15:14 16:6
look 25:17,24 26:2	Marin 16:9	meets 25:11	mind 6:24 7:17 27:16	mother's 15:21 27:24
looking 18:12 26:5	married 23:13,25	mentioned 7:21	mine 20:20 22:12	motherboard 17:3
loosely 12:8	Martin 3:7,10, 12 43:21	merely 8:1	minute 29:9	motion 4:8,12 5:3 20:17 32:11
loss 11:5	matter 2:10 45:16	messing 30:1	minutes 14:19 40:2	move 6:25 7:4 16:6 29:4,13 36:7 47:18
lost 41:4	matters 35:3	metal 53:13	misguided 10:17	moved 15:22
lot 5:12 18:8	maybe 27:7 51:17	meter 8:20,21 12:9,12,13, 14,22,23,24	mission 33:10	Mr 2:1,14,17, 20,22 3:1,3,9, 12,20,21,23
lots 7:9,10	me 3:20 4:22, 23 5:7 7:19	13:8,17,21,23 14:2,3,16	Missouri 6:5 8:25 9:3 11:3 28:3 32:1 39:15	4:1 7:25 8:7 11:4,7,11,15, 19,24 12:2,5, 11,15,16,19, 20,25 13:4,6, 9,14,20
loud 3:15	9:16 10:5,11, 12,18 11:1	15:1 17:16, 20,24,25	misstated 33:3	17:10,12,15, 19,23 18:2,
Louis 14:14 16:10 39:14	12:15 15:12	18:4,19 19:2 20:3 21:11	mode 13:24 14:3	20,25 13:4,6, 9,14,20
M				
mad 46:3	16:17 18:12, 15 19:9 20:7	22:15 23:8,16 24:18 25:10,	mom 27:24	17:10,12,15, 19,23 18:2,
made 15:12	21:8,17,20	12 26:8,9	mom's 27:15	20,25 13:4,6, 9,14,20
mailed 18:14	22:5 23:1,20	29:5,7 30:11, 12,14 32:18,	moment 20:15 41:4	11,21,25
main 22:11	24:3 25:8	22 33:16	month 10:21	19:5,6,7,10, 12,13,15,20,
major 8:14	27:2 28:14	39:16 41:12, 13 45:3 49:9,	monthly 49:15	23 20:6,7,13, 16,25 21:20,
make 5:24 7:15 8:22 11:12 16:11 33:9 34:4 38:5,9,10 45:24 47:18	31:8,18 32:7 33:4 36:19	12,23 50:22, 23 51:4	months 16:5 36:23 39:7	23,24,25
making 5:25 6:16 17:8 39:13	39:5 41:4,25 44:3,21 47:3 48:6,8 49:13	53:10,11	41:17,22,23	22:1,4,6,9
manager 15:8,18 21:7	53:16,17	meter's 33:18	42:13 51:16	24:13,16,25
many 22:23 34:10 52:10	54:1,3	metering 12:13 46:25	moot 44:7	25:19 26:1,5, 11 27:20,23
March 42:6,7,	mean 5:4,17 7:1 35:19,20, 22 43:7	49:3,6	more 12:17 13:15 14:24	30:7,9 31:1,8, 11,12,13,18,
	meaning 49:16	meters 8:19 13:1,7 14:9, 15 15:7,16,	33:1,22 34:2, 15 52:10	19,20,23,25
	means 41:3	19,23 16:7, 12,14 27:24	most 34:10 51:9	32:3,4,6,8
	mechanical 8:20	28:4,24 29:1 38:9,10 39:16		33:12 34:4,6, 7,14,18,21,22
	meet 30:12	49:25		35:7,9,10,12,
		microphone		

13,14,18,20, 21,22 36:9, 15,18,21,22 37:1,12 38:7 40:11,14,21 41:2,5,20,22, 25 42:1,2,4,8, 9,10,12,22 43:3,10,12, 13,16,17,20, 23 44:11 45:7,11,12, 13,17,20 46:6,9,18,21 47:9,15,21, 22,23 48:2,9, 13,19,22,25 52:9,13 53:3 54:5,9,11,17, 25	19 42:12 43:17,19,21 44:8,10,16 45:8,15,19,22 46:7,8,20,23 47:12,20 48:6,12,18, 21,24 49:1 52:12,25 53:7 54:8,10,16, 17,21	myself 11:22 N nail 13:15 name 2:9 15:5,10,11,18 22:13 24:3 27:6 narrow 25:9 52:20 Nate 22:13,14 navigate 46:11 near 29:23 necessarily 5:4 Mulvaney 15:5 muted 3:3,14 20:9 31:17 48:1 my 2:9 3:23, 24,25 6:24 7:13 9:5,16, 17,19 12:7,11 13:20 14:7 15:2,13,14,21 16:14,25 23:4,5,6,22 24:3,5,6 26:23 27:8,15 28:12,14 31:14,21 32:2,7,14,18, 21 34:20 36:15 37:16 38:3,23 39:6, 10 45:25 46:3 48:7 50:14 52:6,8 53:7, 11,13,20 54:2,3,22	nice 45:23 nickel 39:13 no 2:19 3:14 11:22,25 12:2,16 13:23 name 2:9 14:5 15:23 16:7,8 21:8, 17 23:2,8 22:13 24:3 27:6 narrow 25:9 52:20 Nate 22:13,14 navigate 46:11 near 29:23 necessarily 5:4 need 7:1 9:14 10:18 22:23 25:24 28:17 29:12 34:2 36:16 37:13 41:3 47:24 needed 10:16 needing 53:12 needs 27:9 net 41:10 46:17 never 23:14 27:17 32:2 50:9 51:20 53:17,18 new 12:21 37:15 44:4,5 49:21 next 9:18 29:21 39:7	23:5,23 24:19,20,23 25:4,6,19 27:2 28:25 30:12 31:3,23 34:8,17 35:2, 13 36:9,10,24 37:21 38:9 39:2,12,13 40:14,17,22, 24 41:7,11 43:21 44:3, 13,17,20 45:17,23,25 46:1,3,4,6,7 47:22,24,25 49:1,23 51:7 52:14 53:12 54:6 Note 50:8 nothing 24:5 39:12 40:2,22 notice 21:2 38:24 48:3 50:9,15,16 53:11 notices 45:1 notification 50:10 notified 50:4 November 14:10 now 3:24 4:7, 12,20,22 5:13 6:18,20 7:1 9:15 10:5 11:25 13:14 15:17 16:14, 23 18:2 22:11 23:3,17 24:21 25:1,16
--	--	---	---	---

26:20,21 28:6	4:12,14,17,21	51:5,17,24	17:22 18:15, 17 20:1 21:1, 17,18 22:20	49:4,17,19,24 50:6,20,22 51:3
32:21 36:24	5:12,13,14, 16,18,20 6:1, 12,13,14,16, 18,21,22 7:4, 5,6,8,9,10,23	52:7,9 53:4 off 3:17,19 16:4,12 17:15 18:7 29:15,19 33:23 48:8 52:2	25:13,17,20, 24 26:7 29:11 30:20 31:5 32:14 33:19, 21 34:15 38:4	opting 49:5 option 49:5 orally 44:2 order 4:13 6:14 7:13 8:11 12:6 36:8,10 48:10,11
38:7,8,12	12,13,14,16, 18,21,22 7:4, 5,6,8,9,10,23	offered 50:18	44:22 49:12	
40:6 41:3,8,9, 25 42:22	8:3,8,9,10,18, 23 9:2,11	office 3:6,8 39:4 43:20	53:10	
43:24 44:6	10:20 11:11, 16 12:2 13:5, 16 14:12,19, 23 15:1,22,24	officer 4:4	one-time 49:14	
45:3,5,11	16:5,7,12,24	omitted 6:10	ones 28:5,9	orders 20:18 47:24
46:24 49:17	17:7 18:3,7,8, 18,19 19:7,16	on 2:1,20,24	ongoing 49:15	original 19:25 47:10
50:7,18 51:6, 12 52:2,14	20:7,8 21:4,5	3:2,10,15,21, 23,25 4:5,8, 12,15 6:15	only 24:20	other 7:11
53:11,17 54:7	22:12 23:6, 11,14,15	7:9 8:13,21	25:9 29:18	9:22 11:25
number 2:7	24:25 25:12	9:12,17,19,21	30:20 36:13	13:1 16:12
5:13 15:11	27:1,3,15,18	10:2 13:16,25	38:4,24 39:24	20:1 23:8
47:11 52:9	28:2,5 29:14, 16,25 30:1,4, 12,14,16,19	14:10,20	48:11 52:15	25:7 27:1
numbers	31:21,25	15:2,15,16,23	53:16	
18:22	32:1,9,14,15, 16,19 33:6, 17,22 34:1, 10,15,23	16:14,25	open 46:20,23	28:5 29:11
O	35:3,16,23	18:18 20:7, 15,16 21:23	opinion 28:14	37:3 41:10,14
object 43:22	36:4 37:22	22:5 23:4,8, 13,25 24:16	opportunities 40:15	44:17,22
objection	39:5,12,13	27:11,15,18, 24 28:5 29:4, 14,20,25	our 3:10	53:5,8,15
41:17,21	40:3,12,13,	35:22 37:10, 18,19 38:19	10:20 14:12	
43:16,17,19	17,18 41:13	39:3 40:23	23:15 38:14,	
objections	42:9,19,21	41:2,6 44:2, 11 45:10	15 39:17,20,	
37:6	43:20 44:4,5, 7,8,14,16,22,	48:7,8 49:21	24 47:13	
objective	25 45:9,10	53:11,13	51:12	
37:10	46:2,7,11,12, 15,17,22	54:17	out 6:16 7:8, 19 8:16 9:11	
observation	47:1,2,3,7,18, 19 48:1,14	once 27:10	10:21 11:21	
34:4	49:2,5,18,24,	one 7:5,20	13:2 15:20,	
observed	25 50:2,11, 15,16,23,25	8:14 10:10	22,24 22:24	
31:7		13:22,25 16:8	23 27:10 32:6	
occur 49:25			33:20 34:8	
occurred 33:5			35:25 36:6,13	
34:19			37:20 39:12,	
occurring				
30:5				
odd 29:4				
of 2:2,20,23, 24 3:2,6,8				

13 41:8 42:21 45:10 49:5,9 50:8,12,17,18 51:16,19 53:6,18,21	pardon 3:24 part 5:14 6:18,20 9:25 10:3 12:2 16:5 29:25 33:5,6 40:17 44:16,22 47:1 51:10	period 47:18 permission 29:1 person 6:5,10 11:25 13:8,10 28:1 30:23 51:11 54:1	48:6,12,18, 21,24 49:1 52:12,25 53:7 54:8,10,16, 17,21	police 23:11 porch 48:7 port 30:1 portion 49:11 portions 44:14
outcome 37:21 48:1	particular 16:4 26:13	personal 45:25	petition 6:9 38:21 40:12, 13	portray 44:23, 24
outside 9:2 10:6	particularity 7:2 29:6	personally 24:3 46:7	phasing 23:21,22,23 53:21	position 25:3
over 2:10 3:4 5:9,11 6:2 7:14 8:2 16:23 18:9,17 21:4 22:2 24:23 26:14 28:20,23,24 29:18 44:22 46:17 52:17	particularly 9:7	perspective 9:24	phone 9:9 20:15	possibly 33:21 36:13
overly 25:6	parties 2:11	Peterson 2:5, 12,13,14,16, 19 4:13,16,23 6:6,20 7:18, 20 8:6,12	phonetic 9:7 16:16 27:6 52:6	potential 5:15
overrule 41:18,21	parts 4:17 22:24	11:6,10,14, 18,20 12:1,4, 10,23 13:12, 18,19,23	physical 50:2	pounds 23:12
oversight 5:16 8:2 24:23 29:14	party 11:22 15:19	17:11,13,14, 18,21 18:1,5, 14,24 19:1	piano 15:24	power 4:14,21 11:11 13:24 14:4 17:4,7
owes 19:18	passed 40:10	20:8:6,12 22:7,8,10 24:6,15,16,24	piece 18:18	preempted 34:25
own 4:19 50:13	Patsy 15:5	25:13,20,23 26:4,10,16 27:22 28:1,21	pipe 53:13	prehearing 2:4 4:6
OX-2026-0150 14:9 30:25	Paul 31:25	29:8 30:8,10, 18 31:5,10	planned 4:10	premises 49:11
<hr/>				
P				
page 45:10 47:3	pending 47:25	37:1,2,9,13 38:8 40:12, 20,25 41:2,9, 19 42:12	please 9:9 15:21 18:13 36:21 41:25	presented 38:3 51:12
panic 37:20	people 27:1 39:11 40:3 45:24 46:2 53:16	43:17,19 44:8,10,16 45:8,15,19,22 46:7,8,20,23	point 4:23 7:2,5 15:7 17:13 20:21	presiding 2:10 4:4
papers 51:12	perhaps 33:9, 15 34:7,10 36:7	47:12,20	26:14 32:25 34:9,24 35:10 36:15 38:21 48:4,5 54:19	press 20:14
parameters 20:5				presumably 10:24
				pretty 41:10
				prevent 47:17

48:13	proclaimed	pursue 5:8	30:22 33:18	record 2:2,12
principle 7:23	25:14	pushed 39:23	radio 29:21	3:17,19,22
prior 4:2,11	proclaiming	put 13:25 14:2	rain 21:14	14:20 22:22
29:2 49:9	21:3	15:20 16:1,4,	rate 5:24 6:15,	32:5 44:2
pro 2:14	professionally	14,25 18:17	16 7:22,23	red 28:8,9
probably 43:8	10:13	25:11 26:19,	8:1,22 9:5,8,	redirect 37:10
problem 3:18	program 15:8,	21 27:11 29:7	15,19,22,24	referring 14:8
5:15 16:11	18 45:6	38:2,15 44:11	10:3 40:2	30:24 46:18
21:8 24:11	49:19,23	51:5	rates 5:19,20	reflect 32:5
54:22	promulgated	putting 15:23	Rather 33:23	refund 10:25
problems	6:13,23 35:4	27:15 29:24	read 12:8	regard 6:4
45:21 51:14	51:10	37:24	13:7,8,21	7:22 31:3
53:15	properly 33:7	Q	43:11 52:4	40:19 41:15
procedural	property 23:5	qualification	reading 49:5	48:11
4:5,8 20:18	24:6 50:3	38:6,11	ready 23:22	regarding
36:2,8,10	protection	qualified	38:21,22	7:11
40:15 44:6	14:5	30:20	39:6,10 40:3	regards 26:11
54:9	provide 20:6	qualify 26:9	real 4:25 17:9	regularly 5:3
procedurally	50:5	qualities	22:15 44:19,	regulation
25:7 36:4	provided	50:22	21	26:17 52:3
54:19	10:18	quality 30:19	realize 25:2	regulations
procedurally-related 54:20	provision	quandary	47:6	47:6
procedure	6:12,22 20:1	32:12	regulatory	2:10 18:5
31:14 36:1	32:17	quantify	21:7 32:16	21:7
procedures	PSC 39:2	28:10	related 33:18	33:18
5:22 34:13	PSCMO 18:25	question 9:5	54:20	54:20
35:4	public 3:5,6,8	24:19,20,21	relates 33:20	relation 24:18
proceed	5:5,10 6:11	36:4,15 42:3	33:15	33:15
44:14 46:14	8:16 11:3	52:15	relevant	54:15
proceeded	14:20 28:16	quite 4:21	remark 34:24	
23:13 44:15	32:1 39:4,5,	7:18 24:4	remember	
53:24	20 40:5,21	46:16 49:7	15:18	
proceeding	43:20	R	remind 4:4	
35:16 48:1	pulling 52:2			
proceedings	pure 36:3			
34:19 48:15	purpose 8:3			
	pursuant 4:6	radiation		
		29:17,22		

28:13	49:4	54:7	24 11:2 15:20 20:14 21:19 25:16,20,23 26:3,6,22	screening 29:16
remove 9:17 53:12	resolved 42:16	right-hand 18:22 47:9	26:3,6,22	se 2:15
repair 22:20, 21,22	resources 15:4	rights 40:15	27:8,17 28:3, 17 29:9 30:13	search 54:24
repairable 22:24	responded 10:12	road 49:21	31:6 37:22	searching 22:25
repaired 22:23	respondent 2:7	Robin 27:6	38:14 43:25	second 3:4 19:21 22:6 31:9 33:21
replace 12:12	response 21:3,15 23:2 47:13	room 15:24	36:20 43:5 48:8	36:20 43:5 48:8
replaced 13:21	responsible 5:19 48:16	round 37:25	same 14:2,16 17:8,21 44:8	Secondly 14:7
replacement 47:10 49:25	result 50:5	rule 4:5,6 6:13,23 7:3,6 8:10 12:21 34:19 35:4,6 37:16 41:7,8 42:16,18	16 16:3,4,19 21:12 24:8 26:18,21	secret 16:7
report 42:9,14	return 4:20	rulemaking 14:9 30:25	28:19 31:13	section 19:24 20:2 46:22
represented 2:18	returned 54:2, 3	31:2 34:13,17 35:2,4 38:25 40:16 51:9	33:11 41:11	security 16:10
representing 3:8 4:18	review 14:21 51:16	rulemakings 34:16	42:3 45:2 47:10 49:14	see 3:5 8:5 10:25 12:14 25:4 33:25 45:11,13
request 10:11 20:11 21:8 37:4 43:10 44:6	reviewed 24:8	rules 5:22 47:5 48:25 53:4	saying 21:12 22:10 23:7 25:19 28:12 39:2,3 41:4	seem 45:15
requested 21:7 37:2	revised 47:10	revised 47:10	50:18 51:21 53:4,9 54:21, 23	seems 32:24 44:6
requesting 43:2	RF 14:23	S	says 22:17 47:5,20 49:4 52:5	senator 15:5, 13 16:3 24:9 54:2
required 42:22	right 3:16 5:10 6:19 8:13 12:20 16:16,23	S-W-I-N-D- 50:25	schedule 4:9 36:2,8,10 47:1	senators 38:23
requirements 6:4	17:13 18:2,17 21:4,14 23:7, 17 24:21 28:6	sad 38:3	scheduled 39:25	send 13:2
requires 6:20 42:16	29:21 31:5 34:6 35:2	safety 5:7,10, 11 7:21 8:3	scientific 40:7 51:14,20	sense 35:1 36:3
res 35:1	39:17 41:8,9	9:25 10:2 26:12,13	scientifically 37:23 38:1, 16,18 51:6	sent 8:14 10:12 16:16 19:9 20:11
reside 11:8	42:4 44:8,23 45:2 46:24	30:16 33:17, 23 34:10 41:14	53:2	52:6,7
residential	52:1,14 53:16	said 10:5,16,		

separate 10:1 12:21 27:23 40:18	Similarly 6:3 simple 21:8 since 3:5 23:7 27:8	14,24 33:3 34:1 36:6 38:20 39:22 44:24 47:16, 17 50:19	39:14 staff 3:2,4,13, 18 4:7,11 20:8,16 25:22 31:8,13 32:1, 13,25 33:24	39:15 52:5 stating 37:14 status 50:12
service 8:16 11:3 28:16 32:1 40:21 47:8 49:5,6	sir 2:16 situation 16:14 26:3	52:17	somewhere 15:11	statute 6:5 7:2 8:4 18:24 19:1,8,9,14 31:3 44:17 53:1
set 2:3 27:17 36:2,24 49:10	situations 28:2		sooner 50:8	statutes 52:5 statutory 32:16
setting 6:8	six 20:12,14 22:2		sorry 3:11 10:16 17:15 31:23 39:17	stay 4:8 16:22 37:2 40:23
setup 49:15	skip 3:4		45:23 48:2 54:10	step 35:22
several 11:8	smart 8:18 12:14 14:3,16 15:6,15,19,23 16:14 17:24		sort 30:16 40:18	steps 11:8 53:20
shaft 40:6	28:4,24,25 39:16 45:3 49:23 53:10		sound 46:3	sticker 27:11 28:7,8 29:16
shake 38:4	solve 3:18		sounds 25:10 30:13 33:13	stickers 28:5, 9
shaking 12:15	some 4:25 8:21 18:22 23:13 26:15		southwest 39:15	stickler 51:14
sharing 35:14,15	28:2,24 30:16 32:11,23 33:6		speak 20:24 40:16	still 15:11 20:8 22:22 23:17 40:10
sheet 18:12 19:13,25 20:2 46:18 47:11 53:10	somehow 23:3		standards 33:23	44:20 48:16
sheets 19:24 26:2 33:21	someone 9:2 33:4		specialty 30:21,22	stipulated 40:25
ship 27:10	someone's 29:25		specific 30:4 34:2	stop 15:25 24:14 30:9
should 7:3 9:16,17 18:22,23 34:8	something 5:5,17 6:2 8:8 17:5 21:12		specifically 21:10	41:3 45:7 48:22
show 3:2 24:7 30:23	spend 51:15		start 14:7 22:1	stretch 46:13
showed 14:14 23:21	Spire 10:10, 16,19		started 33:1	strolling 15:7 16:22
shut 48:8	spot 23:8 44:12		starting 2:12	student 22:12
side 26:25 27:2,3 38:3	square 37:24		state 27:9 28:15	stuff 18:8 37:4,17 39:6,
sight 7:8	squat 40:5		state's 27:11	
similar 20:20	St 14:14 16:10		states 8:24 14:12 32:18	

16,18	swindling	16:21 17:9 18:8 44:19,21	than	21:12 26:20, 24 30:2 35:5
subject 6:12, 22 8:9	50:25 51:1 52:2	technicalities	25:7 33:1,15, 23 43:6 50:8 53:9	42:5 45:1 47:8 48:23 49:14 53:24 54:1,13,16
submit 39:18 54:22	switch 13:24 14:3	technically	thank 2:1 3:1, 9,12 20:6 22:4,8,9 32:3	there's 15:23 16:17,23 22:24 24:5 27:18 38:8 39:24 48:3,4 54:22
submitted 9:4 18:8 34:12	system 47:5 49:2	technological	33:12 43:23 47:22	therefore 34:25
subsection 4:7	T	telephone	thankfully 31:20	these 5:7,13 8:23 13:1,6,7 14:15 15:6 16:7,12,13
substantive 4:5	tactical 14:19	tell 18:12 21:9 39:8 40:7 53:23	that's 9:1 11:21 13:4,19 14:1 16:9	18:6,18 22:22 23:21,22,23 27:10 35:3 49:10 53:21
subtle 12:17	take 10:16 23:22 28:17 31:23 36:7 42:15,19 48:7 53:19	telling 21:17 22:13 38:13	territory 47:6	they'll 21:8,13
such 49:6 50:20	taken 31:4	term 50:25	termination	they've 16:3 23:3,14 40:6 50:7 53:17
suggested 26:2	taking 16:12 17:4 46:6,7	terms 5:3 7:19 18:3 46:12 51:20	47:7 49:2	thing 6:9 8:1, 13 10:21 14:16 19:21
summarizing 33:14	talk 6:15 24:17 31:8 46:2 54:14,19	talked 15:8 27:8	test 20:4 23:7 24:2,8 53:19 54:1	25:9 26:7 29:18 32:2 37:11 39:25
summary 32:9	talking 30:24 31:2,6 41:3 44:17 47:7,21	tariff 6:14 8:9, 10 12:18 16:15 18:12	tested 23:4,5, 15	40:2 44:8,22 50:14,18 52:7 54:20
supplier 22:25	tester 23:19	them 10:1,11, 23 16:1,8,11	testimony	things 5:1 22:23 25:7 27:18 28:22
supply 13:24 14:4	testimonies	18:17 21:7,9 22:11 23:11	38:15	32:9 43:7 52:10
supporting 52:11	testing 23:14, 18 24:1 27:13,14 29:24	24:2 26:20,21 27:11 38:12, 19 40:7 41:17	then 6:15 9:18 10:25 13:14 15:8 20:1	
supposed 27:17 38:25	teacher 22:12	tests 20:3		
sure 3:15 13:10 16:11 20:20,22 21:14 40:24	technical			
surge 14:5	14:22,25			
suspend 20:17				
Swearengen 2:23				

think 5:10 7:22 11:4 12:16,17,25 13:5,9 17:12 19:8,19 23:12 26:16 32:21 33:13,14 36:7 43:3	21 47:1,3,24 48:1,4,5,10, 11,14 49:20, 21,24 50:14, 18,20,21,24 51:4,12,21,24 52:6,7,13 53:11 54:9, 18,19	timeline 39:23 timely 48:17 50:4 tiny 29:20 to 2:11 3:4,17, 18 4:2,4,6,8, 10,11,13,14, 15,16,20,24 5:2,8,24 6:2, 4,10,11,12, 15,20,21,22, 24,25 7:1,2, 12,15,16,19, 22,23 8:2,4,7, 9,12,23,24 thought 5:12 7:17 thread 9:6 threats 50:2 threw 10:5 through 14:17 15:20 35:16 50:1 throw 34:8 35:24	18,22,25 27:1,8,9,17, 20 28:4,6,13, 16,17 29:7, 10,12,13,17, 21 30:9,11, 15,20,24 31:3,8,13,21 32:2,8,13,23, 24 33:7,8,11, 15,18,20,24, 25 34:2,9,10, 20 35:6,19, 22,24 36:2,7, 9,10,11,17 37:2,5,6,7,10, 13,22 38:4,5, 9,10,19,21, 22,23,24,25 39:8,9,10,17, 18,19,20,21, 25 40:5,16, 17,18,19,22, 23 41:3,6,7,9, 11,12,14,15, 17,18,20,21, 22 42:13,15, 19,20,22 43:1,2,11,13, 14,15 44:1,3, 5,6,9,11,12, 18,20,22 45:2,4,6,10, 16,18,23,24 46:2,5,10,13, 14,17,18,20, 23 47:3,5,7, 13,16,18,24, 25 48:6,9,10, 11,13,15 49:9,11,13, 18,22,23,24, 25 50:3,5,11, 17,21 51:3,4,	7,8,13,15,17 52:14,19,20, 21,23 53:7, 10,11,12,14, 19 54:3,5,11, 13,14,15,18 today 3:8 33:5 35:5,16 36:2, 10 41:24 43:5 51:24 Today's 2:2 together 26:20,22 27:15 39:18 53:5 told 10:19 21:2,8 23:2, 20 24:3 27:2, 14 48:6 53:14 54:1,3 tons 40:3 too 19:11 26:20,22 36:24 37:18 tools 24:2 top 18:21 47:3,5,9 topic 40:23 toss 9:25 tossed 36:6 touch 15:13 touched 53:18 towards 35:25 36:7 towers 26:19 27:12
--	---	--	---	---

W	waste 44:20 watching 39:5 wait 3:17 20:16 waiting 37:18, 19 38:19 waive 42:15 waived 42:18 wake 38:4 walk 16:10 walked 23:6 wall 15:16,24 18:7 27:16,25 WALTHERS 20:11 want 8:12 9:25 10:3 13:16,21,23 14:6 17:17 18:6 21:10,11 23:8 24:17 25:11 26:6 29:7 30:11 36:11 38:13 40:18,23 44:9,18,21 45:3 51:3,4 52:1,14 wanted 9:23 11:1 28:13 31:13 37:21 45:24 wanting 12:12 44:3 wants 5:22 16:8 39:21 51:15	we're 4:20 10:17 14:24 18:9 21:17 water 53:11, 13 way 8:5 10:22 15:23 22:24 27:18 29:11 38:2 40:10 51:10,22 we 3:17 5:11, 20 6:1 7:15 8:21 9:24 10:1,4,25 11:3,20 14:20,25 15:13,15 16:20,21 17:9,12 18:9 20:15 21:18 22:19,20 24:10 26:18 27:17 28:5, 20,22,23 29:12 32:12 33:25 34:2 35:12,17 36:1,3,7,23, 24 37:21,22 38:23 39:8, 16,17,18,23 40:5,6 43:8 44:13 46:14 49:21,22 51:9,10,11,12 52:1,13,14, 19,20 53:4, 14,15,21 54:12,13,18 we'd 43:3 we'll 16:4 35:23 50:4 51:17	21:10 23:10 25:15,18,21 26:7 27:19 24:9,13,14 30:10 31:2,6, 15 32:13,17, 24 33:8,11,22 35:5 36:3,7, 12 37:13,16 38:3,13 39:9, 24 40:6 41:4, 16 42:21 43:7 44:12,14 45:10,16 Webex 2:4 week 24:7 38:24 39:8,19 54:3 weeks 36:24 37:11 43:8 welcome 54:14 well 3:5,16 17:10 20:15 22:4,20 31:20 33:13 34:22 36:9,18 43:2, 3,4,24 44:4 47:12,20 52:12 went 8:16 40:4 51:11 53:24 what 4:3,17, 19,23 7:19 10:8 11:1,5 13:21 14:1, 17,21 16:24 17:19 18:3, 11,12,19 19:10,16,21 20:4,21,22	30:3 35:15 38:21 40:3 44:24 46:24 52:5,14,19 whether 19:17 24:19 31:7 34:2,24 41:13 44:13 52:16 which 7:12,13 8:20 9:13,17 14:2 16:6 17:3 19:25 20:3 23:5,14 24:23 26:2,14 29:1 33:9,15 37:15 38:22 40:7 42:24 46:17 49:2,12 50:9 51:15 52:17 53:9 54:1 while 3:17 5:25 8:2 17:6 20:15 37:3 White 15:6,13 White's 16:3 whiteboard 51:18 who 4:18 8:15 9:3 10:10 14:13 15:5 21:2 23:23 29:17 38:14 45:24 46:2 who's 39:5 whole 7:23 8:1 23:15 32:2 34:25 why 9:1 14:15
----------	---	--	--	---

16:9 18:9 22:21,25 23:21 25:16 30:23 39:22 51:20	18 49:20 50:17 51:14, 23 53:16 54:22	42:6 43:6,7, 10,11 52:18	
will 9:18 12:6 21:9,12 26:5 28:11 32:5 33:4 35:17 42:8,10 43:24 46:13 49:15, 16 50:5,10 51:20 53:6 54:12	within 18:20 20:4 42:16	wreck 37:24	
	without 14:16 17:20 29:1	writing 6:8 50:4	
	won't 7:7	written 5:1	
	word 16:17 35:2 37:23 40:9 44:18 51:15	wrong 5:5 24:5 25:17, 19,24	
			Y
willing 54:5		yeah 19:1,10, 12,15,23	
wiring 14:7,17 30:3,4		27:16,22	
wish 35:24		31:12 35:12, 15 42:6 43:12	
wishes 30:15 32:23		48:3	
with 2:12 3:25 4:24 5:2 6:19 7:2,17,21,24 9:6,7,20,22 10:8,10,11,17 11:1,8 12:12 13:1,13,22 14:7,25 15:4, 8,12 16:2,10, 23 18:5 19:4 22:16,17 24:1,4,5,11 26:19 27:7,18 28:4,9,14 29:5,9 30:1, 15,18,21 35:4,14,15 36:4,19 39:20 40:2,22 41:4 42:10 44:14, 15,17,23 45:25 46:17,	wording 38:1	year 19:16 27:8	
	wordings 18:6	years 8:17 9:18 27:1,7	
	words 41:10	yes 2:16,22 11:10,14	
	work 22:3 23:9,12 43:11 53:5	12:10 14:22	
	worked 10:21	15:1 16:4	
	working 3:13 23:16,17	17:18 18:1	
	works 14:13	19:6 20:25	
	world 46:11	30:18 34:18	
	would 6:6,7 7:15 8:8,21, 22 9:5,9	43:12 54:21	
	10:22 13:10 16:19 17:24	yet 3:14 7:7 31:4 34:17	
	18:12,16		
	24:23 26:9, 15,16,17		Z
	28:22,23 29:9,10		
	33:16,24 34:4,15,24	zone 38:6,11	
	36:16 38:14 40:16 41:13		