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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Evidentiary Hearing

April 1, 2016

Piedmont, Missouri

Volume 2

Melody Sue Moss,)
)
 Complainant,)
)
 vs.) File No. IC-2015-0286
)
 Windstream Missouri, Inc.,)
)
 Respondent.)

KENNARD L. JONES, Presiding
SENIOR REGULATORY LAW JUDGE

REPORTED BY:
AMANDA N. FARRAR, CCR
MIDWEST LITIGATION SERVICES

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APPEARANCES

The Complainant:

MS. MELODY SUE MOSS

For the Respondent:

MR. LARRY W. DORITY

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For the Staff of the Missouri Public
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MS. MARCELLA MUETH

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For the Staff of the Missouri Public
Service Commission:

MS. CULLLY DALE

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1 P R O C E E D I N G S

2 (The hearing commenced at 11:19 a.m.)

3 JUDGE JONES: We're on the record with
4 Case No. IC-2015-086, Melody Sue Moss vs. Windstream
5 Missouri, Incorporated.

6 My name is Kennard Jones. I'm the judge
7 presiding over this complaint.

8 Present today is Ms. Moss. And now
9 we'll take entries of appearances beginning with
10 Windstream.

11 MR. DORITY: Thank you, Judge.
12 Appearing on behalf of the Respondent, Windstream
13 Missouri. My name is Larry DORITY with the firm
14 Fischer & DORITY. I've provided my contact
15 information to the court reporter. We also have two
16 representatives from Windstream Missouri here in the
17 hearing room with me today, Mr. Steve Findley and
18 Mr. Don Rogers, and I believe on the telephone we
19 may have a couple of folks calling in as well.

20 James, are you on?

21 MR. JAMES: Yes, I sure am.

22 JUDGE JONES: And for the staff of the
23 Commission?

24 MS. MUETH: Yes. For the staff of the
25 Missouri Public Service Commission, I'm Marci Mueth,

1 M-U-E-T-H, P.O. Box 360, Jefferson City, 65102. My
2 phone number is (573)751-4140. I also have with me
3 as counsel Cully Dale, and two staff witnesses,
4 Myron Couch and John Van Eschen.

5 JUDGE JONES: Now, for the record, prior
6 to going on the record, Ms. Mueth -- Ms. Moss, I'm
7 sorry, requested a continuance and on the record I
8 will deny that continuance. Ms. Moss, go ahead and
9 state on the record what the purpose of your request
10 for a continuance is.

11 MS. MOSS: The purpose is -- and I was
12 going by a rule that I read that said practice and
13 procedures, a presiding officer may order a
14 continuance of a hearing date for good cause.

15 JUDGE JONES: Okay.

16 MS. MOSS: And, anyway, and I'm asking
17 for a good cause in this case because as I have
18 spoken to Windstream by telephone and by fax and to
19 the different representatives, I have been asking
20 for dates since 4/30 of 2016 for the continued order
21 numbers, asking for the NID to be moved on my
22 outside wall at my house at 1736 County Road 418,
23 Piedmont, Missouri 63957.

24 And just for the record, this file
25 number is IC-2015-0286, not 086.

1 JUDGE JONES: Did I say 86?

2 MS. MOSS: Yes. Yes, you did. So, I
3 just -- I'm pretty good at picking out stuff like
4 that. So, just to clear that up.

5 JUDGE JONES: Well, let's get that
6 clear. Is it 86 or 68?

7 MS. MOSS: It's 0286.

8 JUDGE JONES: That's not what I said?

9 MS. MOSS: No, it's not. You said 086.
10 It's 0286.

11 JUDGE JONES: It is 0286, you are
12 correct.

13 MS. MOSS: So, I see 2015-0 --

14 JUDGE JONES: 286.

15 MS. MOSS: -- 286.

16 JUDGE JONES: Okay. So, your request
17 for a continuance is because you haven't been able
18 to get your NID moved and --

19 MS. MOSS: And the order numbers. The
20 order numbers that was assigned to each request as I
21 called and/or faxed to Windstream, and this is
22 approximately between the telephone calls and
23 reporting of the noise coming across my telephone,
24 the strong pulsating and the echoes and the shocks
25 resulting to me, not only when wires were exposed on

1 the utility pole across from my house at 1736 County
2 Road 418, Piedmont, Missouri.

3 JUDGE JONES: Let's do this right here.

4 MS. MOSS: Telephone --

5 JUDGE JONES: Let's do this right here.

6 That's the second time you've given your address.

7 Just say at your address.

8 MS. MOSS: At my address, fine.

9 Telephone number (573)223-4302, a landline in my
10 house.

11 JUDGE JONES: Now, let's start with
12 the -- this is your -- this is the reason you're
13 giving for wanting a continuance?

14 MS. MOSS: Yes. Noncompliance from
15 Windstream.

16 JUDGE JONES: The request to have your
17 NID -- NID for the court reporter is N-I-D. What
18 does that stand for?

19 MR. DORITY: Network interface device.

20 JUDGE JONES: Network interface device,
21 the request to have that moved sounds more like a
22 complaint than a request for a continuance today.
23 Now, the order numbers that have not been shared
24 with you, when you say order numbers, what
25 specifically are you speaking about?

1 MS. MOSS: Because they assign you order
2 numbers. Each time you talk to a Windstream
3 representative there is -- first of all, they say
4 that you will be taped as you speak to them.

5 JUDGE JONES: Right.

6 MS. MOSS: And I've asked for those
7 tapes to come forward and the representatives to
8 come forward, plus the order number for the NID
9 and/or the checking of the lines of my telephone,
10 but I have said not just at my house, but while I'm
11 speaking on the phone stuff checked. To sit there
12 and assert what I'm alleging to them about the
13 different noises coming across the line and shocking
14 me and, more specifically, when I started on 4/30 of
15 2014 was the first date that I called and spoke to a
16 Windstream representative and it took the guy that I
17 spoke to --

18 JUDGE JONES: Let me interrupt you.
19 Your continuance, your request for a continuance is
20 because you have not been able to gather information
21 that supports those communications that you've had?

22 MS. MOSS: Absolutely.

23 JUDGE JONES: The substance of those
24 communications is irrelevant at this point for a
25 request for a continuance. It may be relevant to a

1 complaint, but not for your request for a
2 continuance.

3 When did you first request this
4 information approximately?

5 MS. MOSS: 1/7/16.

6 JUDGE JONES: 1/7/16, okay. Now, at
7 this time I'm going to have a discussion with
8 Windstream about your concern with trying to gather
9 information. Try not to interrupt, okay?

10 MS. MOSS: And I wasn't quite finished,
11 sir. Could I finish?

12 JUDGE JONES: Well, let me -- let me
13 deal with this one issue of the continuance first.
14 Okay? You'll have an opportunity to say whatever
15 you need to say on the record. Okay?

16 MS. MOSS: Okay.

17 JUDGE JONES: Okay. Now, as far as the
18 information she requested?

19 MR. DORITY: Judge, there is no dispute
20 and I think we can stipulate, and Mr. Findley will
21 be testifying as he's prepared a synopsis of the
22 various times when the Windstream technicians have
23 responded to Ms. Moss, going to her residence, doing
24 testing on the premises in question, and that will
25 be in the record. We're not disputing the fact that

1 she has contacted us incessantly. We have sent
2 technicians out there. There was nothing wrong with
3 her telephone. The staff has done its own
4 independent investigation, went on site itself and
5 conducted its own analysis and has filed a verified
6 report with the Commission. And Mr. Couch will be
7 on the phone to testify to that himself.

8 JUDGE JONES: So, what I'm hearing is
9 that you're requesting information to prove the
10 contacts that you've made to Windstream?

11 MS. MOSS: Well, not only to prove that,
12 but that I'm asking that my NID be moved, also that
13 the wires that's crisscrossed as I have pictures
14 here. Pictures proving, and which is written wrong
15 in the correspondence from between all this legal
16 correspondence, that proves that the wires, the
17 telephone wires I'm talking about are indeed on top
18 of my ductwork underneath my house.

19 JUDGE JONES: Okay. That -- let's close
20 out this issue of a continuance. That's not going
21 to happen. The reason for your continuance sounds
22 to be one of discovery. In other words, you were
23 wanting information that has not been provided. The
24 purpose of your wanting that information is to prove
25 something that's not being refuted by the company.

1 In other words, to prove that you've made this
2 number of communications with them, they're saying,
3 yeah, you did. So, it doesn't -- it doesn't affect
4 the substance of your case. Put it this way, your
5 reason -- your good cause for wanting a continuance
6 goes away when the discovery you want isn't
7 necessary to prove your case.

8 MR. DORITY: We will be discussing the
9 network interface device issue as well.

10 JUDGE JONES: On the record. Now,
11 that's the reason why I want to move on from this
12 continuance.

13 MS. MOSS: Well --

14 JUDGE JONES: You don't have to raise
15 your hand. I know you want to speak --

16 MS. MOSS: Yeah.

17 JUDGE JONES: -- but --

18 MS. MOSS: I need a lot of latitude.
19 Latitude means freedom from your rules. I am not an
20 attorney.

21 JUDGE JONES: Well, you're going to have
22 to slow down right there. You're not going to get
23 freedom from the rules. That's not going to happen.

24 MS. MOSS: I'm church and state
25 separate, sir. I'm only --

1 JUDGE JONES: I don't want anything
2 about Jesus Christ or the President on this record.

3 MS. MOSS: Well, on this --

4 JUDGE JONES: That doesn't have anything
5 to do with this. All right. When you start talking
6 about your network interface device, it sounds like
7 you've made a request that's not been granted.
8 That's part of your substantive complaint. I'm
9 getting that from you. So, since that's part of
10 your deal, let's deal with that issue first. We'll
11 deal with one issue at a time and go through each
12 party on that one issue, and then we'll talk about
13 other issues one issue at a time.

14 You said you had a request to move your
15 network interface device. Okay. The company did
16 not grant that request?

17 MS. MOSS: No.

18 JUDGE JONES: Is that what you're
19 saying?

20 Now, Mr. Dority, how -- do you have
21 witnesses on that issue?

22 MR. DORITY: We will be addressing that
23 issue with a witness, Judge.

24 JUDGE JONES: Is that witness here now?

25 MR. DORITY: Yes, he is.

1 JUDGE JONES: Let's go ahead and address
2 this issue in full so we can go to any other issues.
3 I'm not going to do this with complainant making her
4 whole case and you guys making your whole case
5 because I don't think we'll make progress.

6 MS. MOSS: And I have faxes to you and
7 Windstream showing that I did ask for the NID to be
8 moved.

9 JUDGE JONES: Yeah. That's -- we
10 believe that you believe that and now we want to see
11 if the company says, no, you didn't.

12 MS. MOSS: Right.

13 JUDGE JONES: And if they say, no, you
14 didn't make that request, then I have to decide
15 who's telling the truth.

16 MS. MOSS: Well, I have faxes right
17 here.

18 JUDGE JONES: That's part of your
19 evidence. That's evidence that you have submitted.

20 MS. MOSS: Yes.

21 JUDGE JONES: Okay. In fact, why don't
22 you go ahead and submit that now.

23 MS. MOSS: Thank you.

24 JUDGE JONES: Or let me ask you this:
25 Does the company dispute that she has requested that

1 her network interface device be moved?

2 MR. DORITY: I believe Ms. Moss has made
3 the request that her network interface device be
4 moved.

5 JUDGE JONES: Okay.

6 MR. DORITY: We have advised her that --

7 JUDGE JONES: So, before you go further.

8 MR. DORITY: Uh-huh.

9 JUDGE JONES: That fact then is
10 stipulated that she made that request?

11 MR. DORITY: She has made it informally.
12 I think we have also advised her that it is part of
13 the -- that she would need to make a formal
14 application and payment is going to be involved for
15 us to go through that process, but I think
16 Mr. Findley here may be able to help us with that.

17 MS. MOSS: I've agreed on paper --

18 JUDGE JONES: Before we go any further,
19 I forgot to do something.

20 MS. MOSS: -- to the payment.

21 JUDGE JONES: Before we move further,
22 I've forgotten to do something. I'll just assume
23 that you're telling the truth, but can you raise
24 your right hand. I didn't think of it until we --

25 MS. MOSS: Yeah. And make them raise

1 their right hand too, because if I'm going to tell
2 the truth, the whole truth, and nothing but the
3 truth so help me God, I want them to do the same.

4 MELODY SUE MOSS,
5 the Complainant, was sworn to tell the truth.

6 JUDGE JONES: Thank you.

7 Mr. Findley, can you raise your right
8 hand.

9 STEVEN FINDLEY,
10 was sworn to tell the truth and testified as
11 follows:

12 JUDGE JONES: Thank you.

13 MR. DORITY: May I ask him just a few
14 preliminary questions?

15 JUDGE JONES: Please do.

16 MR. DORITY: Thank you, Judge.

17 DIRECT EXAMINATION

18 BY MR. DORITY

19 Q. Good morning, Mr. Findley. Could you
20 please state and spell your full name for the court
21 reporter.

22 A. Steven Findley, S-T-E-V-E-N
23 F-I-N-D-L-E-Y.

24 Q. And could you please state your business
25 address for the record.

1 A. 99 Washington Street, Doniphan, Missouri
2 63935.

3 **Q. And by whom are you employed and in what**
4 **capacity?**

5 A. I'm employed by Windstream
6 communications where I'm a local operations manager.

7 **Q. Mr. Findley, could you briefly describe**
8 **your educational and business experience.**

9 A. Yes. I have three years of college. I
10 have 29 years experience in the telecommunications
11 field. Six years of that being in the Army where I
12 was a communication systems controller. 23 years
13 with Windstream, with 21 years of that being a
14 technician and two years being in my current
15 position as a local operations manager.

16 **Q. And what are your duties as local**
17 **operations manager for the southeast Missouri area?**

18 A. My duties are I oversee the day-to-day
19 operations of providing telephone and broadband
20 service to the Doniphan/Piedmont area. I have 11
21 technicians that I supervise.

22 **Q. And so, here in Piedmont, this is within**
23 **your geographic area of responsibility; is that**
24 **correct?**

25 A. Yes, it is.

1 **Q. And are you familiar with the alleged**
2 **phone issues associated with Windstream telephone**
3 **number (573)223-4302 and Windstream customer**
4 **Ms. Melody Moss, who's here in the hearing room with**
5 **us?**

6 A. Yes. I have personal experience on
7 addressing this matter, along with my technicians.

8 **Q. I guess we will focus right now on the**
9 **issue associated with the network interface device**
10 **and Ms. Moss' request that that device be moved.**
11 **Could you please explain that situation from your**
12 **knowledge and belief.**

13 A. The network interface device is located
14 on Ms. Moss' house right next to the -- right next
15 to the -- within 10 feet of the power meter, and --

16 MS. MOSS: My AC unit and my --

17 JUDGE JONES: Just a moment.

18 A. And it's -- it is bonded and grounded to
19 the National Electric Code back to the power
20 company's ground. Also, Mr. Couch, he -- I
21 explained this to him. I know that he has went out
22 and looked at that, and the staff will also agree
23 that it is properly bound -- or excuse me, properly
24 bonded and meets the code.

25 **Q. (By Mr. Dority) Could you briefly**

1 explain how the bounding -- bonding, I'm going to do
2 the same thing, the bonding and grounding is in
3 effect at Ms. Moss' home.

4 A. Oh, okay. I'm sorry. I'm sorry. Yeah.
5 It's a 2-foot piece of number 10 gauge solid copper
6 wire that runs between the ground post there on the
7 NID to a bare ground that comes out of the power
8 meter to where on a split bolt then is attached to
9 it where it's tightened down.

10 JUDGE JONES: I'm going to have to for
11 the record note that Mr. Findley was referring to --
12 or referring to a document of some sort assuming to,
13 I guess, refresh his recollection.

14 MR. DORITY: Yes, I was, Judge. I was
15 referring to a response to a staff data request that
16 the company had provided to the staff when we were
17 in this proceeding to refresh his recollection.
18 Thank you.

19 JUDGE JONES: Okay.

20 Q. (By Mr. DORITY) And so, in your expert
21 opinion, Mr. Findley, is the NID properly bonded and
22 grounded at Ms. Moss' residence?

23 A. Yes, it is properly bonded and grounded.

24 Q. And it's your understanding that
25 Mr. Couch confirmed that as well; is that correct?

1 A. That's correct.

2 **Q. Do you see any reason to move that NID**
3 **from where it's presently located?**

4 A. I see no reason to move the NID from
5 where it's presently located. If you -- if you want
6 me to elaborate. In doing so, in moving the NID,
7 it's not going to be just as easy as to take the NID
8 and relocate it on the other side of the house or
9 wherever Ms. Moss wants it located at, because
10 what's going to happen is we still have to bond
11 back, to meet the electrical code, back to the power
12 company's ground. So, in doing so, now what we're
13 going to have to do, if we're going further than
14 30 feet, now we're going to have to use a number 6
15 ground that's going to be buried and we're going to
16 have to place then a ground rod and then we can come
17 back onto that ground rod with a number 10.

18 But also the issue, too, now is the line
19 itself and moving it. Your services actually -- the
20 line is actually fed from across the road, and your
21 line goes aerial across the road and hits a power
22 pole there at your house, and then it hit -- and
23 then the line then hits -- then goes to your house.
24 If we was to move the NID, for example, on the
25 backside of your house, we could no longer run it

1 aerial. So, now we're going to have to bury it.
2 We're going to have to -- now we're going to have to
3 bury a line to that.

4 And when you get into everything that
5 I'm describing here, now you're out of -- out of my
6 realm as far as how much this is going to cost.
7 We're going to have to have outside-plant
8 engineering involved in this.

9 MR. DORITY: Judge Jones, if I might --
10 it's my understanding that the staff employee, Myron
11 Couch, made a visit to Ms. Moss' residence, did his
12 own investigation, particularly relative to the NID
13 and its location and the possibility of moving it,
14 and I would suggest that Mr. Couch might have yet
15 another opinion as to the propriety of whether or
16 not that should happen, and perhaps while we're on
17 this subject it would be appropriate for Mr. Couch
18 to weigh in.

19 JUDGE JONES: Okay. Mr. -- is it Crouch
20 or --

21 MR. DORITY: Couch. Myron Couch.

22 JUDGE JONES: Mr. Couch, are you on the
23 phone?

24 MR. COUCH: This is Mr. Couch.

25 JUDGE JONES: Will you raise your right

1 hand, please.

2 MYRON COUCH,

3 was sworn to tell the truth and testified as

4 follows:

5 JUDGE JONES: And thank you.

6 Ms. Mueth, have you been following?

7 MS. MUETH: Yes. Do you want me to go
8 ahead and do the basic Direct and then offer him?

9 JUDGE JONES: Yes.

10 DIRECT EXAMINATION

11 BY MS. MUETH

12 Q. Mr. Couch, could you please state your
13 name and spell it for the record.

14 A. My name is Myron E. Couch. What else
15 did you say?

16 Q. And can you spell it?

17 A. Oh, yes. M-Y-R-O-N. E as in Eugene.
18 Last name is Couch, C-O-U-C-H.

19 Q. And how are you employed?

20 A. I'm here working for the Commission. I
21 have kind of a temporary position at present, but
22 I'm a technical person and do whatever technical
23 work that they ask me to do.

24 Q. Are you the same Myron Couch who
25 authored the memorandum filed by staff in this case?

1 A. Yes, I am.

2 MS. MUETH: Your Honor, I believe
3 Mr. Dority has a copy of that for the court reporter
4 to be marked as an exhibit.

5 MR. DORITY: That's correct. Just so
6 we're clear, Ms. Mueth, this is the document titled
7 status report dated -- filed July 17, 2015, with the
8 attached memorandum signed by Myron Couch
9 electronically.

10 MS. MUETH: Yes.

11 JUDGE JONES: How would you like that
12 marked, Ms. Mueth?

13 MS. MUETH: We can just have it marked
14 as Staff Exhibit 1.

15 JUDGE JONES: Ms. Moss --

16 MS. MUETH: Just Staff Exhibit 1 would
17 be fine.

18 JUDGE JONES: Thank you. Ms. Mueth -- I
19 mean, Ms. Moss, you've seen this right, the staff
20 report?

21 MS. MOSS: Let me double-look at this.
22 I do have everything right here, but there has been
23 indications -- yes, I have this.

24 JUDGE JONES: So, you've seen that?

25 MS. MOSS: Well, I don't agree with it.

1 JUDGE JONES: Well, I assume that, but
2 you have seen it is what I'm asking.

3 MS. MOSS: I do not agree with it
4 because it did not state clearly --

5 JUDGE JONES: Ms. Moss, you really do
6 have to follow my lead. If I ask you a question,
7 just answer that question.

8 You have seen that, right?

9 MS. MOSS: I have seen this
10 memorandum --

11 JUDGE JONES: Now, do you --

12 MS. MOSS: -- from Myron Couch, yes,
13 sir.

14 JUDGE JONES: Now, do you have any legal
15 objections to why it should not be admitted into
16 evidence?

17 MS. MOSS: Yes, I do have a legal
18 objection to why it should not be admitted into
19 evidence.

20 JUDGE JONES: What's that reason?

21 MS. MOSS: Well, I'm going to read
22 through this and --

23 JUDGE JONES: No, no, no. No, don't do
24 that. Just tell me why you don't think that
25 evidence should be admitted into -- why that piece

1 of paper should not become evidence.

2 MS. MOSS: I have to be -- I have to
3 read through it quietly then because I'm going to
4 take a moment.

5 First of all, "Installed and working at
6 the time of the investigation," that does not mean
7 it's investigated while I'm on the telephone and
8 it's not investigated from wherever Windstream
9 begins from, where anyone should have access by
10 computer or any other device out there because, as
11 they are saying, it is a network -- what is that you
12 called it?

13 JUDGE JONES: Interface.

14 MS. MOSS: Interface device, meaning --
15 now, I know a little bit about computers.

16 JUDGE JONES: Is that that phone
17 ringing?

18 MR. DORITY: Are you-all still on the
19 phone?

20 MS. MUETH: Yeah. I'm not sure what
21 that ringing is for.

22 MR. DORITY: Well, I think it's another
23 line coming into the City Hall. So, we'll just have
24 to bear with us for a second.

25 MS. MUETH: Okay.

1 JUDGE JONES: Ms. Moss, it sounds like
2 you disagree with the facts.

3 MS. MOSS: I do. I disagree with this
4 fact. I disagree with other facts that are written
5 in here --

6 JUDGE JONES: Okay. Now, for your
7 benefit --

8 MS. MOSS: -- because it's not a fact.

9 JUDGE JONES: For your benefit, you will
10 have an opportunity to ask questions of Mr. Couch
11 who wrote that and you can then bear on those facts
12 during that questioning. When I ask you if you have
13 an objection to the document --

14 MS. MOSS: I do have objections.

15 JUDGE JONES: -- the objection has to go
16 to its admissibility, which means it -- I can't
17 teach a class in evidence. For instance, if this
18 was -- if the staff is offering this as Mr. Couch's
19 report and the report doesn't have his name on it,
20 it has somebody else's name on it, that may be a
21 reason why you don't think it should be admissible.

22 As far as disagreeing with the facts of
23 it, that comes out in the evidence. You get to ask
24 Mr. Couch those questions.

25 MS. MOSS: Well, you know, there's

1 several reasons. They're sitting there not talking
2 about these wires, which I have pictures showing
3 that they are on my ductwork underneath my house,
4 the telephone wires from Windstream Missouri, Inc.,
5 Incorporated.

6 JUDGE JONES: Are we talking about this
7 document?

8 MS. MOSS: That's on here. That's on
9 here. And also this -- another thing that is on
10 here is they're saying there's very little amperage,
11 but they're not considering the source of the
12 electric, break electric feed, my stained-glass
13 windows, which has led. All this act as rectifiers.
14 And the AC unit, which kicks on during the summer
15 months at different times and, thus, producing more
16 electricity. And these are all interacting
17 together.

18 JUDGE JONES: Right.

19 MS. MOSS: You know, what did they just
20 call it? A NID, an interactive device.

21 JUDGE JONES: Well, what you're -- the
22 things you're talking about now are concerns that
23 you would address with the staff --

24 MS. MOSS: Yes. And I will.

25 JUDGE JONES: -- witness.

1 MS. MOSS: But for those reasons I'm
2 also objecting.

3 JUDGE JONES: That's fine.

4 MS. MOSS: I'm objecting.

5 JUDGE JONES: All right. Well, your
6 objection is overruled to the admissibility of this
7 document, but, like I said, you're more than welcome
8 to ask those questions to check the --

9 MS. MOSS: Validity.

10 JUDGE JONES: -- the validity of it.

11 MS. MOSS: Thank you.

12 JUDGE JONES: Thank you.

13 MR. DORITY: Your Honor, what exhibit
14 number are we putting this?

15 JUDGE JONES: Exhibit 1. Staff Exhibit
16 1.

17 MR. DORITY: Thank you.

18 MS. MUETH: Should I continue, Your
19 Honor?

20 JUDGE JONES: Just a moment, Ms. Mueth.
21 Staff's report marked as Staff Exhibit 1
22 is admitted to the record.

23 (Staff's Exhibit 1 was admitted into the
24 record.)

25 JUDGE JONES: Ms. Mueth, did you have

1 something you were saying?

2 MS. MUETH: Oh, I was just going to walk
3 Mr. Couch through to make sure that he didn't have
4 any corrections to the testimony.

5 JUDGE JONES: Okay.

6 Q. (By Ms. Mueth) So, Mr. Couch, do you
7 have any corrections to make to that testimony?

8 A. I do not.

9 Q. And if you were asked to draft the same
10 memorandum today, would it be substantially the
11 same?

12 A. It would be the same.

13 Q. And is that testimony true and accurate
14 to the best of your knowledge and belief?

15 A. Yes, it is.

16 MS. MUETH: And, Your Honor, you said
17 that Staff Exhibit 1 has been admitted?

18 JUDGE JONES: Yes.

19 MS. MUETH: Then I will tender Mr. Couch
20 for Cross-Examination.

21 JUDGE JONES: Okay.

22 MS. MOSS: Yes.

23 JUDGE JONES: I'm going to let you go
24 ahead and do your Cross.

25 I have a feeling you will want to

1 establish more, but I don't know.

2 MR. DORITY: We'll see where it goes.

3 CROSS-EXAMINATION

4 BY MS. MOSS

5 Q. Yeah, Mr. Couch, Melody Moss. I am
6 talking to you about the day that you came to my
7 house.

8 A. Yes.

9 Q. I don't have that date in front of me
10 right this second. I know I've written it down in
11 my notes because I have notes here 1 through 12 of
12 anything that I've received from the Public
13 Commission and/or from a Marcella Mueth concerning
14 this case and Mr. DORITY, the attorney that filed on
15 this case with Windstream Incorporation, Missouri
16 Corporation. But what I have in front of me is a
17 picture of the Windstream telephone lines, in fact,
18 laying on top of the ductwork at my house.

19 A. No. In fact, when you and I were
20 underneath the house, we did not find that the drop
21 was on the ductwork.

22 Q. That could have been overlooked that
23 day, but it is there.

24 JUDGE JONES: Would you like --

25 Q. (By Ms. Moss) I have the pictures.

1 JUDGE JONES: Would you like to mark
2 that as an exhibit?

3 MS. MOSS: I do. I have this marked as
4 Exhibit C, and yes, right there. And I have another
5 picture marked as Exhibit B. There's two pictures
6 showing the telephone wires running onto my
7 ductwork.

8 JUDGE JONES: Is this the telephone
9 wire?

10 MS. MOSS: Yes, sir, it is.

11 JUDGE JONES: And this is the ductwork
12 here?

13 MS. MOSS: That is my ductwork under --

14 JUDGE JONES: What's this here?

15 MS. MOSS: That is milk jugs to help
16 insulate me from getting shocks from that wire, the
17 wires being on my ductwork and interacting with the
18 shocking. That is done to me because --

19 JUDGE JONES: You put those milk jugs
20 there?

21 MS. MOSS: I put the milk jugs there. I
22 didn't put the wiring, but I put the milk jugs
23 there. Evidence.

24 MR. DORITY: Judge, we would object to
25 those pictures. There's been no foundation laid for

1 them. We don't know what they purport to represent,
2 but that does not appear to be telephone wire. And
3 I think we're going to show by the testimony of
4 Mr. Couch and Mr. Findley that even if that were
5 telephone wires, it is not going to impact or affect
6 the service, but I'll let Mr. Couch address that.

7 JUDGE JONES: Okay. Mr. Couch, I'm
8 looking at a couple of pictures.

9 This is under your home?

10 MS. MOSS: This is under my home.

11 JUDGE JONES: I'm looking at a couple of
12 pictures taken under Ms. Moss' home. There's
13 ductwork running perpendicular to the support beams.

14 MR. COUCH: Yes, it is. That's correct.

15 JUDGE JONES: In between the spacing of
16 the support beams --

17 Are these 2-gallon milk jugs?

18 MS. MOSS: 1-gallon milk jugs.

19 JUDGE JONES: 1-gallon milk jugs.

20 MR. COUCH: I don't recall milk jugs
21 when I was there.

22 JUDGE JONES: Okay. Well, I'm looking
23 at them. So, they're there now.

24 Sitting on top of the ductwork are milk
25 jugs with what appears to be wire or I can't -- I

1 guess --

2 MS. MOSS: It's telephone wire.

3 MR. DORITY: That's the point, Judge.

4 We can't --

5 MS. MOSS: That is telephone wire.

6 MR. DORITY: -- tell what that is.

7 MS. MOSS: Yes, it's very clear.

8 JUDGE JONES: Well, just relax here for
9 a second.

10 MS. MOSS: I will point that out. That
11 is telephone wire.

12 MR. COUCH: When I was there, the
13 telephone wire was not on the ductwork.

14 JUDGE JONES: And I will note for the
15 record and -- well, I don't need to note for the
16 record. The pictures will be part of the record.

17 Are you saying that those -- that
18 these -- I'm asking Ms. Moss this question. Are you
19 saying that whatever wire that is or if it's a wire,
20 that it's sitting on the milk jugs?

21 MS. MOSS: It's sitting on my ductwork.
22 As you can see, it's underneath the --

23 JUDGE JONES: Well, let me understand
24 something.

25 MS. MOSS: It's on the --

1 JUDGE JONES: This is the ductwork,
2 right?

3 MS. MOSS: That's the ductwork.

4 JUDGE JONES: And where's the wire?

5 MS. MOSS: See that wire going through?
6 It's feeding through my, what do you call those,
7 floor joists.

8 JUDGE JONES: Right.

9 MS. MOSS: It's going down there by the
10 jug and it is laying right there on top of the metal
11 ductwork.

12 JUDGE JONES: Oh, this is the portion
13 you're primarily concerned with?

14 MS. MOSS: Yes, it is.

15 JUDGE JONES: Not this part?

16 MS. MOSS: No. It's the one laying on
17 my ductwork.

18 JUDGE JONES: This is what she's talking
19 about here. Not here. So, there's your wire that
20 comes through here.

21 Okay. I'm going to admit this into the
22 record. It's evidence of something.

23 MS. MUETH: Your Honor, as far as those
24 exhibits go, staff would just like to clarify for
25 the record that, at least from the description that

1 we're seeing, Mr. Couch did not see what is depicted
2 in those photos when he visited the residence.

3 JUDGE JONES: Okay. These are marked as
4 Complainant's Exhibits B and C.

5 MR. DORITY: And again, for the record,
6 Your Honor, we would object to their admission.

7 JUDGE JONES: Okay. Your objection's
8 overruled. Exhibits B and C are admitted into the
9 record.

10 (Complainant's Exhibit B and Exhibit C
11 were admitted into the record.)

12 JUDGE JONES: I can't remember where we
13 were.

14 MR. DORITY: I think Mr. Couch was --

15 JUDGE JONES: Mr. Couch was testifying.
16 You were cross-examining.

17 MS. MOSS: Yes, I was. Also --

18 JUDGE JONES: Now, what I need you to
19 do -- and I didn't want to cut you off before. What
20 I need you to try to focus on is to not testify, but
21 to just ask him questions.

22 MS. MOSS: Okay. Okay.

23 **Q. (By Ms. Moss) Mr. Couch, I have two more**
24 **pictures in front of me that I have taken.**

25 A. Okay.

1 Q. And one is the -- this would be the west
2 side of my home at 1736 County Road 418, Piedmont,
3 Missouri. I have an electric feed that's from Black
4 River Electric in this picture. I have a
5 stained-glass window that is also by the Black River
6 electric feed and then there is the telephone NID,
7 that network interface device, and my air
8 conditioner unit, and they are all showing up on
9 this picture on the west -- approximately the west
10 side of my home. Okay. So, you know, these are all
11 electrical devices and/or the stained-glass window
12 has metal, which can act as rectifiers, as can the
13 ductwork.

14 Would you say that that would -- that
15 some of this could act as a electromotive force or
16 oscillations or rectifiers for the conduction of
17 electricity?

18 A. No. I would disagree with all of those
19 things. What you have there is you have a correctly
20 installed telephone NID and it's bonded to the -- to
21 the electric ground, which is also connected to the
22 multi-grounded neutral, which makes that the safest
23 installation that the telephone company is able to
24 make.

25 Q. Mr. Couch, when somebody checks the

1 lines at my house, did anyone check the lines at my
2 house while I am talking on my telephone and also
3 while there is the frequencies coming across my
4 telephone in those form of pulsating, echoes and the
5 noise, which is vibrations? Has anyone checked --

6 A. I have no knowledge about any of that.
7 I'm sorry.

8 JUDGE JONES: Is that your last question
9 for Mr. Couch?

10 MS. MOSS: I'm thinking.

11 Q. (By Ms. Moss) Oh, also, this green
12 barbecue Weber Grill, do you recall that?

13 A. Yes, I do.

14 Q. Across the road at the utility pole that
15 has the other, I don't know, I guess it's another
16 NID on the utility pole. Is that what that's
17 called?

18 A. No. That's called a dry spot. It's a
19 place where the phone company is able to make a
20 connection between the aerial and buried parts of
21 their plant, and it just simply serves as a terminal
22 where the tip and ring are both tied down for the
23 aerial and for the buried. That's all that is.

24 Q. But now, I called Windstream on 4/30 of
25 2014 and spoke to a Windstream representative, as I

1 was explaining over the telephone that I was
2 receiving shocks while I was using my telephone and
3 I said that I felt as though I could die from these
4 shocks. Now, that box was not covered, and you
5 admit, too, that that was not covered, and
6 Mr. Findley here is attesting to that and saying,
7 yes, that that box was not covered and they covered
8 those wires?

9 A. Now, I did not see the box when it
10 wasn't covered, so I can't testify to that.
11 However, all it really is is a -- is a connection
12 between the aerial and buried, and it really has no
13 ability to transmit any electrical --

14 Q. Now, what about when the --

15 MR. DORITY: Judge, I'm going to object.
16 Could we let the witness finish, please?

17 JUDGE JONES: Let him finish.

18 MS. MOSS: Oh, I'm sorry.

19 A. It doesn't have any ability to transmit.
20 It's simply a way of connecting the aerial and the
21 buried, and it does nothing -- it has no -- there's
22 no electronics connected to it. It's just simply a
23 place to make a connection. The rubber cap that's
24 on there is simply there to keep it dry, not to keep
25 people from being shocked because they wouldn't be

1 shocked by it, but it definitely keeps the -- that's
2 why they call it a dry spot. It keeps it dry and
3 out of the weather. That's all it does.

4 Q. (By Ms. Moss) Okay. Now, also, if this
5 metal Weber is leaned up against that galvanized
6 piece of metal leading to that dry spot with a cover
7 not on it and there is automobiles and/or airplanes
8 flying by, and now there's a different scenario,
9 isn't there, because atoms have electrons, they're
10 free floating, also electricity is not controllable
11 when it is opened up and not contained? Would you
12 agree with that?

13 A. No, I do not. I do not agree with any
14 of those statements.

15 Q. I would have to get someone else's
16 opinion besides yours. Because I have looked into
17 the electrical magnetical field.

18 JUDGE JONES: Ms. Moss, by your
19 rationale --

20 MS. MOSS: I don't have to agree with
21 him. I do not agree. I object to his statement.

22 JUDGE JONES: There's not an objection.
23 You just disagree with the answer you got. But for
24 the sake of clarity, by your rationale we're atoms
25 and we have electricity --

1 MS. MOSS: Yes, we do.

2 JUDGE JONES: -- so anything you go
3 around that is electrical is a danger.

4 MS. MOSS: Well, when somebody can
5 vector and syntonics things towards you, or it's
6 called --

7 JUDGE JONES: The only tonic I know
8 about is in gin.

9 MS. MOSS: Syntonic.

10 JUDGE JONES: Okay. I don't know what
11 that is.

12 MS. MOSS: Syntonics is when you can sit
13 there and manipulate the electromagnetic fields and
14 that is done --

15 JUDGE JONES: I believe that, but how is
16 it relevant to what you're talking about?

17 MS. MOSS: Because this is what has
18 happened to me partly in this case. But in the
19 meantime, Windstream has ignored my simple remedy of
20 moving my NID away from the other electrical
21 sources.

22 JUDGE JONES: Let's get back to that,
23 which is where we started.

24 MS. MOSS: Right.

25 JUDGE JONES: Did she -- did she request

1 that her network interface device be moved?

2 MR. DORITY: I believe there was an
3 informal request that it be moved. There was never
4 a formal request that it be moved where we would be
5 able to give Ms. Moss our response and also, as
6 important, an estimation of the cost, as Mr. Findley
7 was just relaying, that would be involved in such a
8 move. Now, if I may, I believe Mr. Couch is of the
9 opinion that, in fact, that would not be as safe in
10 terms of moving it --

11 JUDGE JONES: Well --

12 MR. DORITY: -- as where it is today.

13 JUDGE JONES: I don't want to talk about
14 whether it's safe or not. Just whether or not --

15 MR. DORITY: Well, this whole complaint
16 is about allegedly her safety.

17 JUDGE JONES: Just about whether she
18 made the request and whether it was granted. Who
19 would that -- I know that these facts need to be
20 established by a witness. Which witness has
21 knowledge of her request?

22 MR. DORITY: I believe Mr. Findley might
23 have knowledge if a request was made.

24 MR. FINDLEY: The first knowledge I've
25 had of a request regarding the NID being moved was

1 whenever we had the last hearing that was on the
2 phone.

3 JUDGE JONES: The preliminary
4 conference?

5 MR. FINDLEY: The preliminary hearing.

6 JUDGE JONES: All right. Ms. Moss, how
7 did you request that your network interface be
8 moved?

9 MS. MOSS: I have requested that the
10 network --

11 JUDGE JONES: How did you request it?

12 MS. MOSS: By telephone and by fax and
13 fax to the Public Commission at the same time as
14 with Windstream.

15 JUDGE JONES: So, you sent a fax and you
16 also called?

17 MS. MOSS: To both entities, yes. Yes,
18 sir. And several different times and by several
19 faxes.

20 JUDGE JONES: Now, does anyone have
21 knowledge of Windstream that that fax was made or
22 that a call was made?

23 MR. DORITY: I don't have knowledge. I
24 haven't heard that. I don't know that anyone has
25 knowledge of receiving a fax from Ms. Moss.

1 JUDGE JONES: So, when Windstream says a
2 formal -- informal request, what could that be?

3 MR. DORITY: What he heard vis-a-vis the
4 preliminary hearing.

5 JUDGE JONES: Now, at that time how was
6 that informal request addressed?

7 MR. DORITY: If I may, I believe the
8 transcript --

9 JUDGE JONES: From the prehearing
10 conference?

11 MR. DORITY: -- from the prehearing
12 conference, I think that would speak for itself in
13 terms of what she did.

14 JUDGE JONES: That is already a part of
15 the record.

16 Now, I've heard you make a distinction
17 between formal and informal. What's a formal
18 request?

19 MR. FINDLEY: I would say that a formal
20 request would be where contacts the -- contacts
21 Windstream and actually an order is placed to have
22 a -- to have the NID moved.

23 JUDGE JONES: And when that formal
24 request is made, what then happens?

25 MR. FINDLEY: The ticket will be

1 generated that we'll come out to the field, one of
2 my technicians will get it, a technician will go out
3 and look at it, he will in turn submit what we would
4 call a bury drop form back to our outside-plant
5 engineering. Outside-plant engineering would
6 then -- in this case with everything that's
7 entailed, they would have to come out and actually
8 engineer that job, stake it out, and also this would
9 actually be at the customer's expense, so they would
10 have to give the customer a quote to see if they
11 wanted to proceed.

12 JUDGE JONES: Okay. Now, to Mr. Dority
13 I'll ask. With regards to moving any equipment, is
14 it clear in your tariffs that that is at the
15 customer's expense?

16 MR. DORITY: It's my understanding that
17 the -- that moving that inside wire certainly would
18 be at the customer's expense.

19 JUDGE JONES: Ms. Moss?

20 MS. MOSS: He's seen the inside wire.

21 MR. DORITY: I believe the staff has so
22 advised her.

23 MS. MOSS: He's saying -- now he's not
24 talking about the NID. He's talking about the
25 inside wire. That's two different things. The NID

1 is outside.

2 I have a fax here --

3 JUDGE JONES: Well, let's --

4 MS. MOSS: -- to you and Mrs. Marcella

5 Mueth -- or to them, to Windstream, and Marcella

6 Mueth.

7 JUDGE JONES: Let's mark those as

8 exhibits.

9 MS. MOSS: Yes.

10 MS. MUETH: Your Honor, can I just

11 interject really briefly?

12 JUDGE JONES: Yes.

13 MS. MUETH: I'm not sure whether that

14 particular fax is in the record or not. I submitted

15 all but one fax from Ms. Moss into the record.

16 JUDGE JONES: Well --

17 MS. MUETH: I know that one of the ones

18 that she sent I sent to you. We're wondering what I

19 should do with it.

20 JUDGE JONES: I'll tell you -- I'll tell

21 you now, Ms. Mueth, there is nothing in the record

22 at this point except staff's report and two pictures

23 from Ms. Moss.

24 MS. MUETH: Let me rephrase that then.

25 Submitted into EFIS.

1 JUDGE JONES: Okay. Now, you have two
2 faxes?

3 MS. MOSS: I have this fax that goes
4 to -- this is Windstream. One goes to -- that is
5 Windstream, that (706)776-7130. This is the same
6 fax to Marcella Mueth, (573)526-6969.

7 JUDGE JONES: Okay. Now --

8 MS. MOSS: But I need copies of that to
9 you guys.

10 JUDGE JONES: Well, I mean, you know --

11 MS. MOSS: I tried to, yeah. Well,
12 there's the fax transmittal, but this is the fax.

13 JUDGE JONES: They don't even look like
14 they come from the same source.

15 MS. MOSS: No. They do.

16 JUDGE JONES: How do I know that?

17 MS. MOSS: From my fax transmittal
18 machine.

19 JUDGE JONES: I see this fax transmittal
20 and then I see --

21 MS. MOSS: Two pages.

22 JUDGE JONES: -- and then I see your
23 handwriting. How do I know that this --

24 MS. MOSS: I've got dates.

25 JUDGE JONES: -- this writing --

1 MS. MOSS: I've got dates. I've got
2 dates there. This is the same date for the fax
3 here. I did my little sticker on there. There's a
4 series number on the fax transmittal. Look at the
5 series numbers. The time is on there. The date is
6 on there. It's a fax transmittal.

7 JUDGE JONES: Where am I looking on here
8 for what you're referring to?

9 MS. MOSS: Well, this will come across
10 to the Public Commission. They got this. That was
11 a -- I called, too, to make sure the result is okay,
12 it went through, and I called to make sure. I
13 called Marcella Mueth's number, 751.

14 JUDGE JONES: All right. Let's slow
15 down for a moment.

16 MS. MOSS: Yeah. So, this I want in as
17 evidence.

18 JUDGE JONES: I'm not going to admit
19 that. I can't tell where all that comes from. But
20 what I will say is this --

21 MS. MOSS: This is important. I object.

22 JUDGE JONES: Your objection is
23 overruled.

24 Now, during the prehearing conference
25 was a number of months ago, I can't even remember

1 when it was. Probably in July, September, something
2 like that. The point being is that from the time
3 from that prehearing conference you were aware that
4 she wanted the network interface device moved. The
5 issue then becomes at whose expense. That is
6 determined by whether it's on, I will say, her side
7 of the meter. It's not a gas case, but your
8 understanding of whose expense something would be at
9 starts where along that line? It starts at the
10 pole, goes to the NID, and then goes into the house.

11 MR. DORITY: Yep.

12 JUDGE JONES: If she wants the NID
13 moved, your argument is that it's at her expense?

14 MR. FINDLEY: And I'll tell you what I
15 base this on. I've never had a NID moved to a house
16 for a reason like this. What I base this on,
17 though, is is that if you have a -- we will place
18 the first line to you at our cost, okay, your
19 service to your house at our expense. Okay. Now,
20 if you build onto your house and the NID needs to be
21 relocated, we will do that for you, but we're going
22 to charge, though, whatever it costs us, you know,
23 to move that.

24 JUDGE JONES: Now, that being one issue
25 that you have, the movement of the network

1 interface --

2 MS. MOSS: And I was given a cost factor
3 on that of \$150.

4 JUDGE JONES: To do that?

5 MS. MOSS: I agreed to that. It still
6 to date has not been done.

7 JUDGE JONES: Well, okay. Why didn't
8 you just do it? Did she ask to do it? That \$150,
9 is that --

10 MR. DORITY: Are you aware of that?

11 MR. FINDLEY: No. The \$150, I don't
12 know where that comes from, but that's why I brought
13 up -- the cost of moving this NID is going to be a
14 lot more than \$150, depending on where she wants it
15 at on her house.

16 JUDGE JONES: Do you know where you want
17 the NID placed?

18 MS. MOSS: No. I thought I would get
19 witnesses of mine, because actually Windstream made
20 allegations that I yelled at somebody and I wasn't
21 home that day.

22 JUDGE JONES: That's all right.

23 MS. MOSS: I know, but, you know, it's
24 pretty, you know, wrong for people to sit there and
25 slander your name.

1 JUDGE JONES: That's --

2 MS. MOSS: That's a --

3 JUDGE JONES: It doesn't make me feel
4 any better or worse about you, so don't worry about
5 it.

6 MS. MOSS: I have other faxes to
7 Windstream and Marcella Mueth.

8 JUDGE JONES: What I'm trying to do, so
9 that in particular you know, Ms. Moss, is resolve
10 the issue, in addition to making some type of ruling
11 on the complaint. That won't happen today. I'll
12 have to deal with that on a different day.

13 MS. MOSS: Excuse me.

14 JUDGE JONES: But if you -- if you want
15 the network interface device moved, let me ask
16 Windstream if I heard you say something earlier
17 about it being in a more dangerous place or a
18 dangerous place if it's moved somewhere else. Is
19 that something that you factor in? If it costs
20 \$5,000 for you to move this NID, she pays you
21 \$5,000, you're going to put it wherever she wants?

22 MR. FINDLEY: Yes.

23 JUDGE JONES: Okay. Well, if you want
24 the NID moved -- do you want the NID moved?

25 MS. MOSS: You know what, I want the

1 disconnect of the NID at the very least at my
2 outside wall, which I have in writing over and over.
3 And from my very first complaint to the public --
4 Missouri Public Commission for this telephone. And
5 I have clearly stated in there that I would sit
6 there -- once they disconnected that NID on the
7 outside of my house, that I would take the telephone
8 wires, which is crisscrossed in my crawl space and
9 on my ductwork, out of there personally, because
10 they said that was not their wires, that was not for
11 their technicians to deal with. And I said, fine,
12 but then I want those wires or whatever, new
13 telephone wires that they run to be run on the
14 outside of my house along the foundation. That is
15 in Mr. Couch's report.

16 JUDGE JONES: You mean rather than going
17 under the house?

18 MS. MOSS: Rather than crisscross under
19 the house on my ductwork, yes, sir.

20 JUDGE JONES: All right. Mr. Dority, it
21 looks like you want to say something?

22 MR. DORITY: I think Mr. Findley could
23 address the propriety of doing that and I think
24 Mr. Couch has an opinion about that as well.

25 JUDGE JONES: Okay.

1 MR. DORITY: I don't want to be
2 second-guessed again about the safety of what we're
3 doing in terms of providing Ms. Moss services. So,
4 I think it would be helpful to get Mr. Couch's
5 opinion and we can certainly ask Mr. Findley about
6 that as well.

7 JUDGE JONES: Mr. Couch, are you -- were
8 you following the conversation?

9 MR. COUCH: Yes, I was. You're talking
10 about the propriety of moving the NID to another
11 wall on the outside of the house?

12 JUDGE JONES: Right.

13 MS. MOSS: No. Disconnecting at the
14 house.

15 MR. COUCH: I believe that would be a
16 mistake because the ground wire would have to make a
17 90-degree bend in order to get back to the -- back
18 to the ground wire that serves the electric. I
19 think it would diminish the capacity of that ground
20 wire, and what we want to do, we always want to keep
21 the exact same ground potential for all utilities
22 that enter the house. That way there's no chance
23 for currents to travel from one ground to the other.
24 If you have two separate ground potentials, there's
25 an opportunity for current to travel through the

1 house. And so, I would say that that's not the way
2 that we want to do it. If she wants to move the
3 inside wire outside, that would be up to her. As
4 long as she leaves the NID where it's at, she can
5 move the ground wire out -- she can move the inside
6 wire outside if she wanted to, but again, it's
7 inside wire for a reason. It doesn't do well on the
8 outside of the house.

9 JUDGE JONES: Okay. Well, from an
10 engineering standpoint, you're saying that reception
11 and whatnot can be affected from that wire being
12 outside?

13 MR. COUCH: Yeah. I wouldn't -- I would
14 not move the NID from where it is. It's in the
15 perfect location. It's providing the best
16 protection for her and for anyone inside her house.
17 If she wanted to move the inside wire, that would be
18 up to her. In fact, it belongs to her and she can
19 move it wherever she wants to. If she wants to take
20 it outside the house and staple it to the outside of
21 the house, that would be all right, but it would not
22 last as long on the outside of the house as it does
23 on the inside of the house.

24 JUDGE JONES: Is that, Ms. Moss, what
25 you want to do?

1 MS. MOSS: That would be preferable to
2 how it is now. Ultimately, I would think that
3 there's a safer spot because of the inter -- once
4 again, the NID is a interfacing thing with
5 electricity, with electronics. There is a
6 transformer in front of my house.

7 JUDGE JONES: Let me --

8 MS. MOSS: Well --

9 JUDGE JONES: Let me ask you a question
10 as you plow forward through --

11 MS. MOSS: Yeah.

12 JUDGE JONES: -- things and I'm having a
13 difficult time.

14 MS. MOSS: Well, because a lot of people
15 aren't trained in this.

16 JUDGE JONES: Well, it's because I don't
17 have an electrical engineering degree. Do you?

18 MS. MOSS: Well --

19 JUDGE JONES: Do you?

20 MS. MOSS: I have -- I've learned on my
21 own.

22 JUDGE JONES: Do you have an
23 electrical --

24 MS. MOSS: Yeah.

25 JUDGE JONES: -- engineering degree?

1 MS. MOSS: Not a degree. I've learned
2 on my -- I get my own degrees.

3 JUDGE JONES: How so? How have you
4 learned about what electrical --

5 MS. MOSS: It's by book learning, sir.
6 By reading, by looking up dictionary words, but for
7 perseverance of my own life.

8 JUDGE JONES: So, your testimony with
9 regard to the electrical engineering that you're
10 talking about is as much as a layperson would be
11 able to give, someone who has just read?

12 MS. MOSS: Not necessarily, because
13 there's a lot of factors.

14 MS. MUETH: Your Honor, I think
15 Mr. Couch might have something to add here as well.

16 MR. COUCH: Yes. If you don't mind,
17 Your Honor. Ms. Moss is able to run that wire
18 herself. We're talking about the inside wire. She
19 could run it herself, or if she wanted to, she could
20 hire an electrician, that's also what customers do,
21 because they have the tools to run the wire. The
22 wire can be purchased at any hardware store and she
23 could have an electrician run it to wherever she
24 wants to on the outside of the house. I believe she
25 has two telephones and, so, they'd have to punch

1 through twice in order to reach the locations, but
2 an electrician is fully qualified to run telephone
3 wire, and it belongs to Ms. Moss anyway.

4 MS. MOSS: Mr. Couch?

5 MR. COUCH: Yes.

6 MS. MOSS: I have a question for you,
7 because you're saying I could move those wires?

8 MR. COUCH: Yes, you can.

9 MS. MOSS: Why did you people install
10 those wires underneath my house -- and I know you're
11 saying it's the safest spot, but the day the guy
12 came out from Windstream I asked him to run that
13 wire. That was in July, wait, either July or August
14 of 2013, and I asked him to run those wires outside
15 of my house along the foundation. And I've had many
16 homes, this is not my first home that I have owned,
17 and all the other wires did not run under my house.
18 They were run on the outside of my homes along the
19 foundation, not under my crawl space.

20 MR. COUCH: Ms. Moss, I do not work for
21 Windstream, but I know that -- and I don't know what
22 they did originally, I don't know the conversation
23 you might have had with them, but at this point if
24 you wanted to move the wire, you can simply hire an
25 electrician to move the wire and not involve

1 Windstream in any way.

2 MS. MOSS: I'm involving Windstream
3 because I don't know the danger of that wire at the
4 NID when it's turned on versus moving the wires.
5 I'm not familiar with that type of service. I know
6 there is people out there. As people had pointed
7 out, I am not an electrician, but I am familiar with
8 how electricity can interface.

9 MR. COUCH: Yes. If you're concerned
10 about doing it yourself, you know, you can simply
11 hire an electrician and they are very familiar with
12 telephone wire and they would be careful in
13 rerunning the wire to wherever you want it. It does
14 belong to you --

15 MS. MOSS: Why won't Windstream not do
16 that?

17 JUDGE JONES: He doesn't know the answer
18 to that question.

19 MS. MOSS: Yeah. See, you're trying to
20 put it on me like I've done something wrong.

21 JUDGE JONES: No. You haven't done
22 anything wrong.

23 MS. MOSS: Yeah.

24 JUDGE JONES: It's just you want your
25 wire moved; they're saying you move it.

1 MS. MOSS: But that also they told me --
2 they gave me a price for doing as I told -- I have
3 papers after papers to them and agreeing to pay the
4 150 to Windstream to do this, and I'm very specific
5 about what I want done. When they disconnect that
6 NID at my outside house along my west side of my
7 house right there, I would take the wires that is
8 underneath my crawl space that you have as Exhibit B
9 and C --

10 JUDGE JONES: Can you on this picture
11 show me where the network interface device is?

12 MS. MOSS: Yes, I can, because it's been
13 pointed out to me.

14 MS. MUETH: Your Honor, I think that
15 there -- that Ms. Moss might have a little bit of
16 confusion. I believe Mr. Couch was specifically
17 referring to the inside wire being moved and not the
18 NID as far as her hiring an electrician. If she
19 wants to ask about Windstream moving the NID, that
20 would be something that they could discuss, she can
21 discuss with Windstream, but I believe Mr. Couch was
22 referring to just the inside wire as far as what an
23 electrician might be able to help with.

24 JUDGE JONES: Right.

25 MS. MOSS: I've asked for them to turn

1 the NID off, the NID off, off. It's in writing.

2 JUDGE JONES: Okay. I'll note for the
3 record Mr. Dority is shaking his head. You're
4 saying that she hasn't asked you-all to turn it off?

5 MR. DORITY: Are you familiar with her
6 asking that the NID be turned off?

7 MR. FINDLEY: Turning her NID -- well,
8 turning her NID off, I would assume that means that
9 you want your phone service disconnected.

10 MS. MOSS: No. I said -- and I was very
11 specific.

12 MR. FINDLEY: Then you make no sense on
13 shutting the NID off.

14 MS. MOSS: Once again, once again, I was
15 very specific.

16 MR. FINDLEY: The NID --

17 JUDGE JONES: I don't want you-all to
18 start arguing.

19 MS. MOSS: I'm very specific on what I
20 say. When I wrote it down, I said I need the NID
21 off so I can take the wires because Windstream said
22 they have nothing to do with that, although they
23 installed them under my house on my crawl space and
24 onto my ductwork and crisscross under my home; that
25 once that's disconnected there, I want my same

1 telephone line; that, yes, I would have to pay that
2 150 to have a new telephone service, but I want the
3 same telephone number. I've written this all out to
4 them. But then I would take those wires out from
5 underneath my house and then Windstream, I was
6 paying them \$150 to reinstall and put the telephone
7 wires at my home on the outside foundation running
8 to the different holes that they put into my
9 foundation to run into the little box. I don't know
10 what they call that little box, but that your
11 telephone hooks to in your house.

12 And I've explained it on paper, on faxes
13 numerous times, on the telephone numerous times, and
14 they keep ignoring this like it's some kind of
15 rocket scientist that's needed to sit there and take
16 care of such a simple request.

17 JUDGE JONES: Now, we can't change
18 yesterday, all right, but --

19 MS. MOSS: My health was compromised.

20 JUDGE JONES: How so?

21 MS. MOSS: I told them I could die.

22 JUDGE JONES: Over what period of time?

23 MS. MOSS: Over and over. And then
24 every time --

25 JUDGE JONES: No, no, no. I mean like

1 last ten years? Five years? Three years?

2 MS. MOSS: No. I've been in that house
3 since July 28th.

4 JUDGE JONES: Of?

5 MS. MOSS: Of 2013.

6 JUDGE JONES: So, for two-and-a-half
7 years, two years or so, about two years?

8 MS. MOSS: Over about -- over
9 two-and-a-half years.

10 JUDGE JONES: And you're saying that
11 from your use of the telephone you could die?

12 MS. MOSS: Yes, sir.

13 JUDGE JONES: How many times would you
14 say you use your telephone in a day?

15 MS. MOSS: In a day? It varies, but on
16 an average?

17 JUDGE JONES: It doesn't have to be
18 specific, you know.

19 MS. MOSS: You know, on an average, I'm
20 going to try to sit there and come up with on an
21 average.

22 JUDGE JONES: Right.

23 MS. MOSS: Two to three times a day on
24 average.

25 JUDGE JONES: So, about three times a

1 day?

2 MS. MOSS: Maybe.

3 JUDGE JONES: So, 900 or so times a year
4 for two years is 1,900 times or so.

5 MS. MOSS: Well, people call me; I call
6 them.

7 JUDGE JONES: And you're not dead out of
8 1,900 times.

9 MS. MOSS: My health is -- I have health
10 issues. I've had to go to the hospital.

11 JUDGE JONES: Do you have health issues
12 that are relevant to your use of the telephone?

13 MS. MOSS: You know what, there's a drug
14 prescribed to me and it's for Neuroptin, it's a
15 Neuroptin brand that goes into my nervous system.
16 You know what --

17 JUDGE JONES: Neurotransmitting?

18 MS. MOSS: Neuroptin.

19 JUDGE JONES: Okay. What does it do for
20 you?

21 MS. MOSS: I sit there and I take the
22 form of the Neuroptin to sit there and help me. I
23 have not had a follow-up yet on that.

24 JUDGE JONES: No. I mean why was it
25 prescribed in the first place?

1 MS. MOSS: Because of anxiety.

2 JUDGE JONES: Okay.

3 MS. MOSS: And because of the shocks.

4 JUDGE JONES: A doctor prescribed --

5 MS. MOSS: Oh, wait. No. The anxiety
6 is a different thing, the depression. It's a
7 different medication. The depression is another
8 med. I've got those here, but the other one is for
9 my nervous system.

10 JUDGE JONES: But what does it have to
11 do with the telephone use?

12 MS. MOSS: Because I'm getting shocks.
13 I've reported this. I've asked for them not to just
14 check at my home, but through the whole Windstream
15 interface.

16 JUDGE JONES: What does that mean, the
17 whole Windstream interface?

18 MS. MOSS: Well, wherever it starts and
19 ends, sir.

20 JUDGE JONES: With regard to your
21 service or their whole service territory?

22 MS. MOSS: The line that goes to my
23 house.

24 JUDGE JONES: Okay. From the pole you
25 mean?

1 MS. MOSS: From wherever it begins or
2 ends. I don't know. Electricity runs many miles.

3 JUDGE JONES: Well, I'm just trying to
4 understand what you mean by --

5 MS. MOSS: You understand that it runs
6 many miles. You know, we all see how the telephone
7 poles are, the utility poles. They go for miles.

8 JUDGE JONES: Let me -- let me ask you.
9 You brought up the issue of the Neuroptin. You were
10 prescribed that to help you with the shocks that
11 you've been getting over the phone?

12 MS. MOSS: Yes, sir.

13 JUDGE JONES: Now, since you've been
14 taking that, have you stopped being shocked?

15 MS. MOSS: Well, I can't say exactly
16 that I've completely stopped getting shocks, no.

17 JUDGE JONES: So, the medicine is not
18 working?

19 MS. MOSS: It's working when people are
20 not doing the strong pulsating and echoes across my
21 line and the vibrations, which is very wicked. This
22 is wicked.

23 JUDGE JONES: Well, it sounds to me like
24 now you're saying someone is doing something
25 intentionally?

1 MS. MOSS: Yes, sir, I am.

2 JUDGE JONES: With malice?

3 MS. MOSS: Yes, I am.

4 JUDGE JONES: Do you think that that
5 someone is Windstream?

6 MS. MOSS: Well, they're using
7 Windstream to do it. It's coming across my
8 telephone line, sir.

9 JUDGE JONES: Who's using Windstream to
10 do it?

11 MS. MOSS: How would I know? I don't --

12 JUDGE JONES: No. I don't know that you
13 do or not. I'm just asking.

14 MS. MOSS: I could only guess. I could
15 only guess that it's some kind of government entity.

16 JUDGE JONES: But do you think
17 Windstream is doing that?

18 MS. MOSS: Well, who owns Windstream?
19 Nobody's answered that.

20 JUDGE JONES: It's probably not the
21 federal government.

22 MS. MOSS: Is it some kind of other
23 government?

24 JUDGE JONES: I doubt that they have --
25 I don't want to say a president and vice president,

1 but you do.

2 MS. MOSS: But well --

3 JUDGE JONES: It's not a government
4 entity. Okay. But what you're saying --

5 MR. DORITY: Our shareholders own
6 Windstream.

7 JUDGE JONES: Shareholders own
8 Windstream.

9 And you're saying that that line is
10 being used --

11 MS. MOSS: It's being compromised.

12 JUDGE JONES: -- by someone else?

13 MS. MOSS: Yes, it is.

14 JUDGE JONES: That someone else that
15 you're talking about is someone who should be a
16 party to this suit then. They're a necessary party.

17 MS. MOSS: But it could be more than one
18 somebodies. I don't have eyes everywhere --

19 JUDGE JONES: No, you don't.

20 MS. MOSS: -- outside of my house.

21 JUDGE JONES: Nor does anyone.

22 MS. MOSS: Nor does anyone.

23 JUDGE JONES: But if you think that
24 there is a third party, not Windstream, that is --

25 MS. MOSS: But Windstream has -- I've

1 asked for simple solutions because I'm going to get
2 those wires, which is instrumental to the shocks by
3 being on my ductwork and crisscross under my house
4 to me getting these shocks. So, that's where
5 Windstream comes in. That's where I'm asking.

6 JUDGE JONES: You need -- you need their
7 help to keep your line from being compromised?

8 MS. MOSS: That's part of it. It's part
9 of the compromise, not all of it. It's part of it.
10 And anyone that will look into the electrical fields
11 and everything will understand what rectifiers are,
12 what oscillations are, what electromotive force is,
13 what the electromagnet, which your telephone is an
14 electromagnet, and when -- and it is hooked up to
15 electricity, and that's -- that that electricity
16 will sit there and generates, as Mr. Couch says, 48
17 volts of direct current and then later it says when
18 ringing then it is 96 volts of alternating current.
19 Now, when you add other factors in to the things
20 which I've mentioned, the rectifiers, which is that
21 metal barbecue grill and the open dry spot and
22 there's loud vehicles and/or airplanes that provide
23 the oscillations and then the electromotive force
24 which can come from trains, it can come from any
25 motor engine --

1 JUDGE JONES: Ms. Moss, Ms. Moss, I
2 completely agree with you --

3 MS. MOSS: Thank you.

4 JUDGE JONES: -- that everything is
5 electromagnetic and everything has an effect on
6 everything else.

7 MS. MOSS: But when it's done syntonetic
8 and your lines are compromised and the vibrations
9 are -- vibrations can be syntonetic and macer. They
10 can use lasers. They can be very --

11 JUDGE JONES: Who is they?

12 MS. MOSS: Now, that is -- there we go
13 again.

14 JUDGE JONES: If that's the issue --

15 MS. MOSS: It's somebody that can --
16 it's somebody that can have access to Windstream at
17 some point and juncture.

18 JUDGE JONES: Let me ask you this then:
19 Do you think that Windstream would agree with that
20 someone else to disturb your peace?

21 MS. MOSS: They have. I don't -- that I
22 can't answer. How would I know? I don't know these
23 people that own Windstream. I don't know them.

24 JUDGE JONES: Well, let me ask you this
25 then: Do you think they would do that to anyone

1 else?

2 MS. MOSS: Yes. I think they could do
3 it to a lot of people, and Americans --

4 JUDGE JONES: Not whether they could.
5 Whether they would.

6 MS. MOSS: Yeah, I think they would.

7 JUDGE JONES: Why?

8 MS. MOSS: Because it's a way to maim
9 people, destroy their health, and ultimately cause
10 them to die.

11 JUDGE JONES: Even bacon destroys your
12 health, but we like bacon.

13 MS. MOSS: No, sir. Bacon in
14 moderation -- you know what, there is no substantial
15 proof except you eat a lot of bacon, I mean pounds
16 of bacon. I know which study you're talking about.
17 They say it causes cancer. Well, you would have to
18 eat such an ungodly amount of that to really die
19 from just eating bacon that it is -- it's just --

20 JUDGE JONES: And by the same --

21 MS. MOSS: It's not very viable.

22 JUDGE JONES: And by that same
23 rationale, there would have to be a substantial
24 amount of electromagnetic energy and force to affect
25 you --

1 MS. MOSS: And that's why I'm talking
2 about somebody is -- you know, it's an interface
3 device. Somebody is coming through somewhere on
4 some juncture of my line and doing this, but they
5 also do it with that dry spot. They did it with
6 that dry spot. They did it with putting that --
7 this Weber metal grill up against this pole.

8 JUDGE JONES: Whose grill is that?

9 MS. MOSS: That is -- it belonged to
10 this guy. He's from St. Louis. I've got his name
11 at home. Jim somebody.

12 JUDGE JONES: It's your neighbor's
13 grill?

14 MS. MOSS: Well, they're not up there
15 all the time, but yes, that was on his property.
16 It's not mine.

17 JUDGE JONES: So, it's not on your
18 property?

19 MS. MOSS: No. This is the pole across
20 the road from me on County Road 418.

21 JUDGE JONES: And you think that the
22 grill across the road from you has something to
23 do --

24 MS. MOSS: With the dry spot, with
25 not the -- with the cover not being on there and

1 then also any kind of vehicle driving by.

2 JUDGE JONES: How in the world can you
3 control all these variables? In other words, better
4 still, how would you expect me to find any
5 wrongdoing on the part of anyone if you --

6 MS. MOSS: Because I had one simple
7 solution to Windstream, which has been ignored.

8 JUDGE JONES: That is to move the
9 network interface --

10 MS. MOSS: No, it's not. It's to
11 disconnect the network interface device, disconnect
12 it. I'm going to take the wires because they said
13 they won't touch the wires under my crawl space,
14 although they put them in, and I said I will take
15 those wires out from underneath my house. Now, I
16 will pay them the 150 that they agreed to to sit
17 there and run the new telephone wires from that NID,
18 turn it back on, I want my same telephone number,
19 (573)223-4302, at my home, and run them on the
20 outside foundation to the two places.

21 JUDGE JONES: That's what you want?

22 MS. MOSS: Absolutely. But in the
23 meantime --

24 JUDGE JONES: Let's talk about that.

25 MS. MOSS: -- my health is bad now.

1 JUDGE JONES: I don't know about your
2 health in general, but I know you're alive.

3 MS. MOSS: Barely.

4 JUDGE JONES: What the hell does that
5 mean?

6 MS. MOSS: I'll tell you why I'm alive.

7 JUDGE JONES: "Barely," what does that
8 mean?

9 MS. MOSS: Do you believe in miracles?
10 Well, I do.

11 JUDGE JONES: No. I believe in science
12 that appears as miraculous.

13 MS. MOSS: Well, I believe in God and I
14 believe in Jesus Chris. And I'm alive --

15 JUDGE JONES: Right.

16 MS. MOSS: -- because I handed over to
17 our maker, the giver of our breath of life, on a
18 daily basis.

19 JUDGE JONES: And that's why you're
20 barely alive?

21 MS. MOSS: I said at times I was barely
22 alive.

23 JUDGE JONES: Oh, okay. I see what
24 you're saying.

25 MS. MOSS: Now I'm fully, but, you know,

1 since people have not been messing with my phone the
2 way I said, you know, through --

3 JUDGE JONES: Recently you mean?

4 MS. MOSS: You know what, there's
5 different times I still get messed with. So, I
6 know -- I know what's out there. It's very corrupt
7 and it's very wicked, and it is -- it goes along
8 with a good scripture I will quote right now. It is
9 Psalms 64:1-10, the secret council of the wicked
10 workers of iniquity that are out there trying to sit
11 there and go and -- go against the blameless.
12 They're setting traps and snares and they want to
13 sit there and hurt this person.

14 That's wrong. See, God's been around
15 for a long time. The Bible's been around for a long
16 time.

17 JUDGE JONES: I'm giving you a lot of
18 latitude right now. You do realize that?

19 MS. MOSS: Yes, sir, I realize that,
20 because -- and you know what?

21 JUDGE JONES: What?

22 MS. MOSS: I should be because --

23 JUDGE JONES: Well, you shouldn't be --

24 MS. MOSS: -- we get our freedoms from
25 our maker.

1 JUDGE JONES: What you're talking about
2 now, God and Jesus, is completely irrelevant to this
3 hearing. What is relevant is you want --

4 MS. MOSS: I'm alive because of
5 miracles. That's why I'm alive.

6 JUDGE JONES: Birth is a miracle in and
7 of itself --

8 MS. MOSS: It is.

9 JUDGE JONES: -- so we're all here
10 because of a miracle.

11 MS. MOSS: But, you know, there's
12 miracles that happen through prayer.

13 JUDGE JONES: It would be a miracle if
14 you could let me -- if you could follow my lead.
15 All right. Can we see a miracle here now?

16 MS. MOSS: Sir, with all due respect, I
17 will try to listen to you now.

18 JUDGE JONES: Okay. You want -- you
19 want the wires disconnected from your network
20 interface device, you will then take them from under
21 your house and then reconnect it, right?

22 MS. MOSS: No. I'm asking Windstream to
23 reconnect them and run them on the foundation for
24 the \$150 that they quoted to me.

25 JUDGE JONES: Well, I don't -- that

1 quote, I don't know anything about that, but --

2 MS. MOSS: It's in the papers.

3 JUDGE JONES: -- you're going to need
4 more wire I'm thinking. I don't know how much that
5 costs. I don't know.

6 You have a request. What I need to know
7 now is is that something you guys can do. Can you
8 do that? Can you disconnect the wires and run them
9 around the house and to the network interface
10 device?

11 Before you say anything, can you raise
12 your hand.

13 DON ROGERS,
14 was sworn to tell the truth and testified as
15 follows:

16 JUDGE JONES: Will you please state your
17 name for the court reporter.

18 MR. ROGERS: Don Rogers, R-O-G-E-R-S.

19 JUDGE JONES: Okay. Mr. Rogers, you
20 were about to chime in on her request to move these
21 wires.

22 MR. DORITY: Maybe I could ask him just
23 a preliminary question so we establish for the
24 record who Don is? Would that make sense or?

25 JUDGE JONES: Sure.

1 DIRECT EXAMINATION

2 BY MR. DORITY

3 Q. Mr. Rogers, what is your position?

4 A. I'm area manager for Windstream for
5 Illinois, Missouri, and Kansas.

6 Q. Thank you. And go ahead.

7 A. I was just going to say, is it something
8 that we could do, run it on the outside going from
9 the NID on the outside of the perimeter of her
10 residence/house into that location, yes. But I
11 think that in the situation that we're currently in
12 it might be better handled by her contacting an
13 electrician and having an electrician do it.

14 JUDGE JONES: Now, by "the situation
15 that we're currently in," that sounds like -- I'm
16 trying to read between the lines here -- you-all
17 have a bad marriage?

18 MR. ROGERS: Well, we're being asked to
19 resolve an issue that we don't see as an issue.

20 JUDGE JONES: That's okay. She just
21 wants the line moved on the outside of the house.
22 Whether it's fixing something or not as far as
23 you're concerned, it may fix something as far as
24 she's concerned.

25 MR. DORITY: Judge, can we take -- we've

1 been going at it for a while. Can we take a quick
2 five-minute break?

3 JUDGE JONES: Yeah. I'm feeling like we
4 may be near a -- if that's the only issue you
5 have -- that's what you want, them to move the wire,
6 and then that's it?

7 MS. MOSS: Yeah.

8 JUDGE JONES: And can you do that?

9 I know you're contemplating something.
10 Let's stop for a moment, just really five minutes,
11 and try to see if we can just resolve this issue.

12 (A short break was taken.)

13 JUDGE JONES: We're back on the record.

14 I was asking Windstream whether or not
15 what Ms. Moss is something they can or can't do and,
16 quite frankly, just to get to a solution.

17 So, you were saying?

18 MR. DORITY: Mr. Findley can respond.

19 JUDGE JONES: Mr. Findley.

20 MR. FINDLEY: Okay. The network
21 interface device divides Windstream service up,
22 divides it in half between the power side of it and
23 your side of it. What there is, when you're saying
24 turn it off, there's a plug up there, it looks just
25 like a phone jack. It looks just like a phone jack.

1 I wish I could see one in here.

2 JUDGE JONES: Right. With a little clip
3 on one.

4 MS. MOSS: There's one.

5 MR. FINDLEY: All you have to simply do
6 is unplug that, you're not touching any of the
7 electrical wires, unplug that and you've
8 disconnected our side. At that point you can hook
9 your own wires up.

10 JUDGE JONES: Or you can hire someone to
11 do that.

12 MR. DORITY: Or you can hire someone to
13 do that.

14 MR. FINDLEY: Or you can hire somebody
15 to do that.

16 MS. MOSS: Okay. I've got a question,
17 though. Now, when I asked for that to be installed
18 on my foundation on the outside to begin with, why
19 was that not done? And no one has told me until
20 today that it's that simple.

21 JUDGE JONES: That's because I'm here.
22 I make things simpler.

23 MS. MOSS: Thank you. I appreciate
24 that.

25 JUDGE JONES: Simplest, actually.

1 MS. MOSS: But I don't -- I don't see
2 how that -- so, you're saying I could do this, move
3 the wires myself and everything and no cost to me
4 except maybe the price of the telephone wire? Is
5 that what you're telling me specifically?

6 MR. FINDLEY: That's what I'm telling
7 you. That's what I'm telling you.

8 MS. MOSS: I thought I -- I thought that
9 was what I was hearing. But that does not resolve
10 the ignoring that and someone not telling me before
11 today.

12 JUDGE JONES: Now, when you --

13 MS. MOSS: And I think I'm due at least
14 the minimum \$3,000 for all of the grief I've gone
15 through and through repeated requests of mine and
16 telling how I'm getting shocks and being able to
17 explain it in probably laymen's terms, although I'm
18 not a laymen, but I am educated enough through my 56
19 years of life and experience, and I am an educated
20 person with an IQ -- I don't know because my IQ is
21 not accurate, it's not a reliable source, but I am
22 smart enough to know what I'm talking about in this
23 room today.

24 JUDGE JONES: I'm going to ask you two
25 things then. The simplicity set out by Mr. Findley

1 of just moving the wire, are you smart enough to be
2 able to try to do that?

3 MS. MOSS: I am smart enough, now that I
4 know that can be done.

5 JUDGE JONES: Now, the second thing I
6 want to ask you is: The Commission cannot award
7 monetary damages.

8 MS. MOSS: I have a question then for
9 you, sir, because this one form -- let me find that.
10 There's a lot of papers here. Right here.

11 JUDGE JONES: What relief do you
12 request?

13 MS. MOSS: And the rules -- oh, it's in
14 the rules. The rule says that the Commission can,
15 or maybe it's on here, \$3,000 can be awarded.

16 JUDGE JONES: No. That amount is an
17 amount set to determine whether or not -- for
18 instance, if you -- just slow down. I can explain
19 it to you.

20 MS. MOSS: Okay.

21 JUDGE JONES: If you in your case you
22 say -- let's say 3,000 -- is it up to 3,000? \$3,000
23 is what you say your damage is. That determines
24 whether or not your case takes a small complaint
25 procedure or other otherwise. It just changes the

1 timelines on the case. It doesn't say that you can
2 get \$3,000 in damage. What they're saying is up to
3 \$3,000 in damage is it's a small complaint and it
4 has a certain procedure that it goes through. Not
5 for the award of those damages, but just to go along
6 a timeline. If it's above \$3,000, then it just
7 takes a different avenue, but the results are still
8 the same.

9 MS. MOSS: I'm asking for that today.

10 JUDGE JONES: Well, we can't do that,
11 but, I mean, I will issue an order in that
12 regard explaining that to you.

13 Now, what I would like -- what I would
14 like you to do is try to do that. Just try to see
15 if you can do that on your own with the wires. And
16 if you want to let the Commission know you did,
17 that's fine, do that. I'd like to know personally
18 if you were able to do that on your own.

19 And I will also, because you said you
20 wanted damages, issue an order that explains to you
21 why the Commission cannot award damages. I'll tell
22 you now on the record it's because we're not an
23 Article III court, meaning we're not a court of
24 general jurisdiction. Our power, the Commission's
25 power that is, stems strictly from statute.

1 Everything the Commission is able to do, the
2 legislatures have to grant us that ability. There
3 is no statute that explicitly says the Commission
4 can award damages; therefore, we can't.

5 MS. MOSS: Now, so, are they saying I've
6 got the equipment to staple it to my foundation?

7 JUDGE JONES: If you've got a stapler,
8 you do.

9 MS. MOSS: What are you guys -- because
10 I've seen the wires run on the outside of
11 foundations. They are stapled there. They are run
12 accordingly. And this is the first time I've heard
13 that I can do this myself. So, why someone didn't
14 tell me that sooner --

15 JUDGE JONES: You know, what I'll
16 attribute it to, I've seen a lot of --

17 MS. MOSS: When I'm telling them I could
18 die.

19 JUDGE JONES: You could die talking on
20 your phone.

21 MS. MOSS: Yeah, but I'm getting shocks.

22 JUDGE JONES: I could die driving home
23 today. I'm still going to drive home.

24 MS. MOSS: But there was in the day that
25 I explained --

1 JUDGE JONES: I'm not going to hear
2 about that barbecue pit because I'm hungry.

3 MS. MOSS: That's the dry spot. The dry
4 spot being exposed wires and that's the day I
5 called --

6 JUDGE JONES: That's across the road.

7 MS. MOSS: Yeah. Well, guess what,
8 because there's a trans -- there's this, there's a
9 transformer at my house, there's electric wires.
10 There is all of this together that's all electric.

11 JUDGE JONES: Everything would even --

12 MS. MOSS: No. But I'm talking about
13 directed electric.

14 JUDGE JONES: Okay.

15 MS. MOSS: You know, things that -- this
16 is not your free-floating electric. These are all
17 devices that sit there and, you know, they can work
18 off one another if things are tampered with, moved.

19 JUDGE JONES: Well, you know, are you
20 going to try to move the wire?

21 MS. MOSS: I don't know. I don't -- I'm
22 not an electrician. I will -- I don't know if I
23 want to.

24 JUDGE JONES: Slow down right there.
25 All the talk you did about oscillation and

1 rectification and everything, you can figure out how
2 to do that.

3 MS. MOSS: I don't have the tools for
4 doing what they're asking me to do. Do you want to
5 loan me your tools?

6 JUDGE JONES: Why is it that -- why is
7 it that you-all don't want to do that?

8 MS. MOSS: Yeah. Why don't you?

9 JUDGE JONES: Let me just -- and I
10 forgot about you staff on the phone wanting to make
11 a statement. Why don't you guys want to move it?

12 MS. DALE: Are you ready for us to make
13 our statement?

14 JUDGE JONES: Oh, not just yet -- go
15 ahead and make your statement now.

16 MS. DALE: Okay. This is -- this is
17 Ms. Dale. I am reading aloud from 392611 subsection
18 1. "A telecommunications company certified under
19 this chapter or holding a state charter authorizing
20 it to engage in the telephone business shall not be
21 subject to any statute in chapter 386 or this
22 chapter, nor any rule promulgated or order issued
23 under such chapter that imposes duties, obligations,
24 conditions or regulations on retail
25 telecommunications services provided to end user

1 customers."

2 Subsection 3 provides: "Notwithstanding
3 any other provision of this section, nothing in this
4 section extends, modifies or restricts any authority
5 the Commission may have arising under state law
6 pertaining to interconnection obligations or other
7 intercarrier issue, including but not limited to
8 intercarrier compensation, network configuration or
9 other such matters."

10 4 CSR 240-28.060 pertaining to
11 telecommunications service requirements. In
12 paragraph 1: "Any company providing intrastate
13 telecommunication service shall comply with the
14 safety standards identified in 4 CSR 240-18.010."

15 The reason why we have that requirement
16 is not in order for the staff to insert itself in a
17 retail relationship between the company and the
18 customer, but in order to safeguard the
19 telecommunications and electrical networks. It is
20 the staff's position, then, that the Commission is
21 without jurisdiction to -- since this service is
22 properly bonded and grounded, it is the staff's
23 position that the Commission has no jurisdiction to
24 require the company to do anything specifically for
25 or against or about this customer because the

1 Commission does not have jurisdiction over the
2 retail relationship between the customer and the
3 company.

4 JUDGE JONES: Okay. Thank you,
5 Ms. Dale.

6 There was a fact assuming that there is
7 proper grounding. Ms. Moss says it's not. You and
8 the company says it is.

9 MR. DORITY: The company witness who is
10 an expert, the staff witness who is an expert have
11 both testified that it is properly grounded.

12 JUDGE JONES: And Ms --

13 MS. MOSS: The picture --

14 MR. DORITY: I would agree with
15 everything Ms. Dale just stated and, in fact, it was
16 set out in our motion to dismiss, Judge, and I would
17 simply stand on that motion. We think the evidence
18 that's been adduced today absolutely supports what
19 we were advising the Commission when we filed it.
20 Nothing has changed.

21 To the extent that could we move the
22 inside wire, we could. She can hire any electrician
23 to do it on her behalf. Our concern is is that at
24 the end of the day we're still going to be hearing
25 about the NID, the placement of the NID, whether

1 planes are flying overhead or a car with glasspacks
2 is driving down the street.

3 MS. MOSS: That does happen, too.

4 MR. DORITY: That does happen, right?

5 MS. MOSS: Yes, it does. Yes, it does.

6 MR. DORITY: And so, there's simply
7 nothing more this company can do on her behalf, and
8 that has been our message. We are certainly -- by
9 participating in this complaint, we are not electing
10 to have the Commission exert jurisdiction over us in
11 our relationship with this retail customer. I want
12 to be absolutely clear on that. But in good faith
13 we have tried to work with you and with the customer
14 to resolve the matter. I don't know what else to
15 say, to be honest.

16 MS. MOSS: And I'm going to -- I'm going
17 to give my -- I guess this is a closing argument?

18 JUDGE JONES: Make it a closing
19 argument.

20 MS. MOSS: Sure. And I'm going to go
21 ahead and say what I've been maintaining all along
22 during this whole proceeding and starting from the
23 time that I called Windstream on 4/30 of 2014 and
24 first told that I felt as though I could die that
25 nothing has been done, just sit there. And I gave

1 pictures today as evidence, marked Exhibit B and C,
2 showing that there is, indeed, telephone wires from
3 Windstream on my ductwork underneath my home and
4 crisscrossed underneath. I have more pictures that
5 I can sit there and introduce. And that today it is
6 very clear that people are telling me it's a simple
7 matter for me to move my own wires that was put in
8 by Windstream in the first place underneath my crawl
9 space in my home. They're telling me to correct
10 their mistakes. And it's been a simple request from
11 me over and over, and I never knew that I might
12 acquire some kind of equipment and run my own wires
13 off of a NID by unplugging outside of my house on
14 the west wall and save myself some grief and hurting
15 of my body by shocks repeatedly and with my life in
16 danger of dying from extreme shocks as told over the
17 telephone to Windstream representatives, that my
18 pleas have been ignored, my life compromised.

19 JUDGE JONES: Now, you're --

20 MS. MOSS: No. My life was compromised
21 by use of my own telephone in my house. It came
22 into my house with the telephone that I pay for
23 monthly usage, and I'm talking monthly usage and a
24 daily usage of my telephone, and I can get shocks in
25 my heart and my brain, and all from the neglect of

1 Windstream to take care of this properly to begin
2 with, with something that they installed.

3 JUDGE JONES: So, let me ask you,
4 Ms. Moss. It's your testimony then that -- your
5 testimony is the evidence that you have been getting
6 shocked by and in danger of being shocked by the use
7 of your telephone?

8 MS. MOSS: Yes, sir.

9 MR. DORITY: May I ask a quick question?

10 JUDGE JONES: Sure.

11 MR. DORITY: Ms. Moss.

12 MS. MOSS: Yes.

13 MR. DORITY: Have you tried using a cell
14 phone?

15 MS. MOSS: I cannot use a cell phone.

16 MR. DORITY: Why?

17 MS. MOSS: Because that is even worse
18 because the microwave towers are magnets. They work
19 on magnets, radio waves, microwaves. And guess
20 what, those towers are rectifiers. They are nothing
21 more than rectifiers and everyone in this whole
22 nation should be afraid of what those -- what can
23 happen with those to not only me, but to anyone
24 else. But I'm not talking about a cell phone. I
25 don't use a cell phone. I use my landline with

1 Windstream.

2 JUDGE JONES: That's okay. The answer
3 is just a simple no.

4 MR. DORITY: Do you --

5 MS. MOSS: No. It's more than that.
6 It's all more than that. It's never -- there is
7 never a simple yes or no to any question. And
8 that's the biggest lie ever.

9 JUDGE JONES: I'm sorry to have --

10 MR. DORITY: Do you get shocked when you
11 go into other establishments by chance?

12 MS. MOSS: What does this -- this has
13 nothing to do with Windstream -- I'm talking about
14 something in my own home that can be controlled.
15 And electricity can be diverted.

16 JUDGE JONES: Your objection is
17 sustained.

18 MS. MOSS: Thank you.

19 JUDGE JONES: All right. Well, what I
20 would like for you to do, if you care to, Ms. Moss,
21 you on your -- on your telephone at home there's
22 just a cord goes in there and there's a little
23 plastic piece with a little clip that you just push
24 in and pull out, right?

25 MS. MOSS: Yes.

1 JUDGE JONES: That's what you're talking
2 about on the outside device?

3 MR. FINDLEY: Correct.

4 JUDGE JONES: That's what you can
5 disconnect out there and reconnect with a longer
6 wire.

7 MS. MOSS: I don't have stuff to staple
8 it to my foundation.

9 JUDGE JONES: Just go to Lowes.

10 MS. MOSS: Why did -- no. I think
11 Windstream should do that. They need to disconnect.
12 I will pull the wires out --

13 JUDGE JONES: So, then in addition to
14 your argument that their service is responsible for
15 the electrical shocks and disturbances of your
16 phone, you also allege that they have a
17 responsibility to do that?

18 MS. MOSS: Yes, sir, they do.

19 JUDGE JONES: All right. Okay.

20 MS. MOSS: And I know also, since we
21 were -- since they were quoting rules. Rules can be
22 changed for the public, and that is in the pamphlet
23 of rules.

24 JUDGE JONES: You don't have to prove to
25 me that rules can be changed.

1 MS. MOSS: Yes, sir. And nowadays I see
2 a big reason for rules to be changed because --

3 JUDGE JONES: That's fine.

4 MS. MOSS: -- it's a very dangerous
5 thing what is going on and is allowed to happen.
6 And if they can do this to me, anyone can do this to
7 me in my own home, across my own telephone, then
8 they can do that to anyone. They could do that to
9 you, you, you, you, her or her or anyone else.
10 That's scary.

11 JUDGE JONES: Well taken. With that
12 does anyone have anything else?

13 Let's go ahead and go off the record.

14 (The hearing concluded at 1:02 p.m.)
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1 I N D E X

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3 STEVEN FINDLEY

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13 ADMITTED

14 Staff's Exhibit 1 Page 57

15 Complainant's Exhibit B Page 64

16 Complainant's Exhibit C Page 64

17

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19 (The exhibits were attached to the transcript.)

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1 CERTIFICATE OF REPORTER

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I, Amanda N. Farrar, a Certified Court

Reporter for the State of Missouri, do hereby

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Amanda Farrar

Certified Court Reporter

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