

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

James Dickson and Angela Dickson,)	
)	
Complainants,)	
)	
v.)	File No. EC-2016-0230
)	
KCP&L Greater Missouri Operations Company,)	
)	
Respondent.)	

**POST-HEARING BRIEF OF
KCP&L GREATER MISSOURI OPERATIONS COMPANY**

KCP&L Greater Missouri Operations Company (“GMO” or “Company”), by and through its counsel, hereby submits its post-hearing legal brief (“Brief”) as requested by the Missouri Public Service Commission (“Commission”) following the October 26, 2016 evidentiary hearing. GMO states as follows:

I. COMPLAINANTS HAVE NOT MET THEIR BURDEN OF PROOF

1. James Dickson and Angela Dickson (“Complainants”) assert a variety of allegations against GMO, and allege that their claimed damages result from installation of the Advanced Meter Infrastructure (“AMI”) meter at their property. However, the record contains neither documentation nor supporting facts that verify their allegations against GMO nor evidence that their alleged damages result from GMO’s actions.

2. At the October 26, 2016 evidentiary hearing (“Evidentiary Hearing”), Complainants’ admitted that they did not undergo any diagnostic and/or medical tests that confirmed—or even linked—their alleged damages as resultant from actions performed by GMO.¹

¹Tr. at p. 4, lns. 6-7.

3. In its report (“Staff’s Report”) Commission Staff (“Staff”) found that it did not uncover “...any violation by GMO of applicable statutes, Commission rules, or Commission-approved GMO tariffs related to this complaint.”²

4. Further, an investigation conducted by Staff and GMO personnel (“Staff Investigation”) on August 25, 2016 at the Complainants’ property determined that:

The inspections performed at the Dicksons’ home did not uncover any evidence that the AMI meter was either installed incorrectly or otherwise operating in a fashion inconsistent with the manufacturer’s specifications. The AMI meter in question was found to have the same form, fit, and function as other residential AMI meters in use by GMO.³

II. AMI METERS ARE SAFE AND HAVE BEEN DEPLOYED SAFELY THROUGHOUT THE COUNTRY

5. The RF technology deployed at GMO is similar to that of the technology used by GMO’s sister company, Kansas City Power & Light Company (“KCP&L”) for over 20 years.⁴ KCP&L’s legacy automated meter reading system, Cellnet, was only capable of receiving information from the meter (one-way).⁵ With the installation of the new AMI meters, the Company can not only receive information from the meter, but can also send information to the meter.⁶

6. The AMI meters installed by GMO are approved by the Federal Communications Commission (“FCC”) and meet all applicable American National Standards Institute (“ANSI”) standards.⁷ Neither KCP&L nor GMO has been made aware of any safety or health issues,

² See Staff Exhibit 1, p. 2, ¶5.

³ See Staff Exhibit 2, p. 3.

⁴ Tr. p. 70, lns. 14-22.

⁵ Id.

⁶ Id.

⁷ See *GMO Answer and Motion to Dismiss*, p. 4-5, ¶18-19, filed in this docket on April 15, 2016.

breach of privacy issues or increased threat of fires with the AMI meters.⁸ There are no known hazards to human health from AMI meters.⁹

7. AMI meters use the 900-megahertz spectrum, the same spectrum used in cordless phones and Wi-Fi. The FCC sets limits on the maximum permissible exposure for radio frequency emitting devices and GMO's AMI meters operate at a level well below this level.¹⁰

8. AMI meters also do not create an electromagnetic field any different than any other electric device. All meters, including analog meters, create an electromagnetic field, as does any device that uses electricity.¹¹ This Commission has recently recognized that any device that uses electricity has both an electric and a magnetic field in the space surrounding it.¹²

9. AMI meters do not increase the risk of fire at a residence. Neither KCP&L nor GMO are aware of any fire being caused by an AMI meter.¹³ GMO witness Dragoo testified that there have been rare instances of fires caused by faulty meter clips but these clips are part of the wiring at a house and not part of the meter itself and that there is no greater potential for fire with an AMI meter over an analog meter.¹⁴ The manufacturer of the meter, Landis+Gyr, indicates that there are no instances of a fire being attributed to any of its 40 million meters that have been installed throughout the country.¹⁵

10. The Commission should reject Complainants safety and health claims based on the evidence as explained above but also based on the Commission's experience. Since KCP&L, began deploying AMI meters this complaint has been the only formal complaint filed at the

⁸Tr.at p. 70

⁹Tr.at p.75, ln. 23.

¹⁰ Tr.p.76, lns. 3-4.

¹¹Tr. p.76,lns. 22-23.

¹²See, Report and Order, EA-2015-0146, April, 27, 2016, p. 24.

¹³Tr. p. 77, lns. 17-18.

¹⁴ Tr. 101, lns. 2-11; Tr. 93, lns 16-25.

¹⁵Tr. p.77, lns. 18-22.

Commission regarding such meters.¹⁶ Additionally, during that time, there have only been seven informal complaints.¹⁷ The use of AMI meters has not resulted in a degradation of service nor increase in safety issues in Missouri.

III. COMPLAINANTS ARE NEITHER PERMITTED TO INSTALL NOR MAINTAIN THEIR OWN METER UNDER GMO'S TARIFF

11. Complainants have requested permission to install their own analog meter purchased from an unknown third-party.¹⁸ However, as a condition of service, GMO requires that all customers must have a Company meter in place to measure usage for billing purposes. Such equipment is owned, installed and maintained by the Company.¹⁹ Specifically, Section 5.01B of GMO's Rules & Regulations, states that the "Company shall furnish and install a meter to be used for billing purposes."

12. At the Evidentiary Hearing, Witness Dragoo testified on the multitude of reasons an analog meter purchased from a third-party is neither a feasible solution, nor one permitted by GMO's tariffs. Analog meters have not been manufactured since 2007 and the Company has not installed analog meters since 2006.²⁰ GMO has moved to all digital meters as analog meters are being phased out due to industry obsolescence.²¹ GMO only installs its own digital meters and these meters are specifically designed by the manufacturer to be compatible with GMO's billing system.²² Third party meters are not tested by the Company and are not compatible with GMO's billing system.²³

¹⁶Tr. p. 71, lns. 9-11.

¹⁷Tr. p. 71, lns. 22-24.

¹⁸Mr. Dickson indicated that he did not know where his analog meter was purchased from. Tr. 42, ln.10.

¹⁹ See GMO Rules and Regulations, Section 5.01, Meter Installations. KCP&L Greater Missouri Operations Company, P.S.C. MO. No. 1, Sheet R.31, Effective Date: April 14, 2014.

²⁰Tr. at p. 79, lns. 19-20.

²¹Id., ln. 22.

²²Tr. at p. 80, ln. 11.

²³Id., ln.10.

IV. COMPLAINANTS HAVE AN “OPT-OUT” OPTION AVAILABLE, MAKING THEIR COMPLAINT MOOT

13. The Commission recently approved an “opt-out” procedure for GMO customers in the Company’s last rate case, ER-2016-0156. Effective December 22, 2016, customers can opt-out of automatic meter reading and the Company will manually read the meter. This option includes installation of a digital meter with no communication capability to transmit or receive any radio frequency signals.²⁴ The opt-out provision includes an initial customer fee of \$150 to pay for the non-transmitting meter and a monthly fee of \$45 to cover the Company’s cost of maintaining and developing new processes and systems to manually read the meter.²⁵

14. Since the Complainants have an option not to be served by an AMI meter, Complainants’ request to not be served by an AMI meter is moot. The Commission does not need to decide this complaint as the Complainants can utilize the GMO opt-out tariff to eliminate radio frequency signals being transmitted from the meter. The non-transmitting meter is the same meter that has been used at GMO since 2008²⁶, so the Commission should disregard any claim that the nonstandard meter is not safe or suitable for service. The Commission should dismiss the Complainants’ complaint as they have relief under GMO’s opt-out tariff. Moreover, the Commission cannot grant the relief requested by the Complainants since GMO’s tariffs, as well as the requirements of GMO’s billing system, do not allow Complainants to be served with their own analog meter.

²⁴ Tr. at p. 79, lns. 8-13.

²⁵ Tr. at p.78, lns. 14-16; 19-24.

²⁶ Tr. at p.79, lns. 11-12.

V. CONCLUSION

15. GMO has complied with its tariffs and all Commission rules, regulations and Orders, a position supported by Staff²⁷. For the reasons set forth herein, GMO requests the Commission find there is no basis for the allegations in the Complaint and dismiss them accordingly. Moreover, Complainants have an option to not be served by an AMI meter under GMO's opt-out tariff.

WHEREFORE, GMO respectfully submits for Commission consideration this Brief and again moves the Commission for an order dismissing the Complaint with prejudice for failure to state a claim upon which relief can be granted pursuant to its previously filed Answers, and for any such further relief the Commission deems appropriate.

Respectfully submitted,

/s/ Roger W. Steiner

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ATTORNEYS FOR KCP&L GREATER
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²⁷ See Staff Exhibit 1 and Staff Exhibit 2.

CERTIFICATE OF SERVICE

A copy of the foregoing has been served this 18th day of November 2016 upon parties of record in this proceeding.

/s/ Roger W. Steiner

Roger W. Steiner