

**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.)	

**REPLY OF KCP&L GREATER MISSOURI OPERATIONS COMPANY TO
RESPONSE BY COMPLAINANTS JAMES AND ANGELA DICKSON**

KCP&L Greater Missouri Operations Company¹ (“GMO” or “Company”), by and through its counsel, hereby submits its reply (“Reply”) to the April 26, 2016 response (“Response”) of James Dickson and Angela Dickson (“Complainants”) to GMO’s Answer and Motion to Dismiss dated April 15, 2016 (“Answer”).

I. PROCEDURAL BACKGROUND

1. On March 15, 2016, Complainants filed with the Missouri Public Service Commission (“Commission”) a formal complaint against GMO (“Complaint”).

2. On March 16, 2016, the Commission issued its Order Giving Notice of Contested Case, Directing Respondent to File Answer, and Directing Staff Investigation (“Order”).

3. On April 15, 2016, GMO filed its Answer with the Commission.

4. On April 26, 2016, Complainants filed their Response to GMO’s Answer with the Commission.

¹ While the complaint filed in this matter designates Kansas City Power & Light as the Respondent, the complainants are, in fact, customers of KCP&L Greater Missouri Operations Company.

5. On May 13, 2016, Commission Staff filed its report. The report indicated that Staff had not found any violation by GMO of any statute, rule, or tariff related to the Complaint.

II. FACTUAL BACKGROUND

6. GMO hereby incorporates Paragraphs 1-32 of its Answer, previously filed with the Commission on April 15, 2016.

III. REPLY

7. Except as admitted or agreed herein, GMO denies each and every allegation and/or statement in the Response and its related attachments (“Attachments”).

8. GMO admits that it filed its Answer on April 15, 2016. GMO further admits that, on January 20, 2016, GMO’s contractor exchanged Complainants’ old meter for an AMI meter. GMO denies all other allegations contained in the first paragraph of the Response.

9. GMO admits that the second paragraph of the Response contains language excerpted from 393.130.1 RSMo. GMO denies all other allegations contained in the second paragraph of the Response.

10. The third paragraph of the Response does not appear to contain any allegations which require a response. To the extent a response is required, GMO denies.

11. The fourth paragraph of the Response does not appear to contain any allegations which require a response. To the extent a response is required, GMO denies.

12. The fifth paragraph of the Response does not appear to contain any allegations which require a response. To the extent a response is required, GMO denies.

13. The sixth paragraph of the Response does not appear to contain any allegations which require a response. To the extent a response is required, GMO denies.

14. As stated previously in ¶18 of its Answer, the AMI meters installed by GMO are approved by the Federal Communications Commission (“FCC”), the federal agency which is the United States’ primary authority for communications law, regulation and technological innovation. Additionally, the RF emission rate at 10 feet in microwatts per square centimeter ($\mu\text{W}/\text{cm}^2$) for the new AMI meters is 0.1; comparatively Wi-Fi is 10-20 and a Cellphone is 30-10,000. The new AMI meter meets all applicable FCC regulations and American National Standards Institute (“ANSI”) standards. GMO is without knowledge to admit or deny Complainants’ health assertions and therefore denies same. GMO denies all other allegations contained in the seventh paragraph of the Response.

15. The eighth through the thirteenth paragraphs of the Response do not appear to contain any allegations which require a response. To the extent a response is required, GMO denies. Further, GMO is without knowledge to admit or deny Complainants’ assertions regarding the “background information” relating to Barrie Trower and therefore denies same.

16. The fourteenth paragraph of the Response does not appear to contain any allegations which require a response. To the extent a response is required, GMO denies. GMO is without knowledge to admit or deny Complainants’ assertions regarding the article “Secret Report on Cell Phone Dangers and Tetra” by Barrie Trower and therefore denies same.

17. The fifteenth through the thirty-eighth paragraphs of the Response do not appear to contain any allegations which require a response. To the extent a response is required, GMO denies.

18. GMO admits that the AMI meters installed by GMO are approved by the FCC. The AMI meter meets all applicable FCC regulations and ANSI standards as stated previously in

¶18 and ¶19 of its Answer and restated in ¶14 of this Reply. GMO denies all other allegations contained in the thirty-ninth paragraph of the Response.

19. The fortieth paragraph of the Response does not appear to contain any allegations which require a response. To the extent a response is required, GMO denies.

20. The forty-first paragraph of the Response does not appear to contain any allegations which require a response. To the extent a response is required, GMO denies.

21. As stated previously in ¶25 of its Answer, GMO admits that the FCC is the federal agency which is the United States' primary authority for communications law, regulation and technological innovation and the equipment at issue meets all applicable FCC regulations. GMO denies all other allegations contained in the forty-second paragraph of the Response.

22. The forty-third paragraph of the Response does not appear to contain any allegations which require a response. To the extent a response is required, GMO denies.

23. The forty-fourth paragraph of the Response does not appear to contain any allegations which require a response. To the extent a response is required, GMO denies.

24. The forty-fifth paragraph of the Response does not appear to contain any allegations which require a response. To the extent a response is required, GMO denies. Further GMO is without knowledge to admit or deny Complainants' assertions regarding fires, explosions, and health hazards and therefore denies same.

25. The forty-sixth and forty-seventh paragraphs of the Response do not appear to contain any allegations which require a response. To the extent a response is required, GMO denies. As stated previously in ¶27 of its Answer, GMO's tariffs do not permit customer owned meters. Specifically, Section 5.01B of GMO's rules and regulations states: "Company shall furnish and install a meter to be used for billing purposes." The Complainants' request for the

Commission to impose opt-out provisions would reduce the benefits of the AMI meter program and introduce additional costs for manual meter reading and data entry. GMO denies all other allegations contained in the forty-sixth and forty-seventh paragraphs of the Response.

26. GMO denies the allegations contained in the forty-eighth paragraph of the Response. As stated previously in ¶18 of its Answer and restated in ¶14 of this Reply, the AMI meters installed by GMO are approved by the FCC. The new AMI meter meets all applicable FCC regulations and ANSI standards. GMO is without knowledge to admit or deny Complainants' health assertions and therefore denies same. GMO denies all other allegations contained in the forty-eighth paragraph of the Response.

27. The forty-ninth paragraph of the Response does not appear to contain any allegations which require a response. To the extent a response is required, GMO denies. Further, the forty-ninth paragraph references four hyperlinks which GMO is unable to access. As such, GMO is without knowledge to admit or deny any of Complainants' assertions or allegations that may be contained in the aforementioned links, and therefore denies same.

28. Pages 14 and 15 of the Response are blank and do not appear to contain any allegations which require a response. To the extent a response is required, GMO denies. Further, these blank pages contain numerous hyperlinks which are only visible when hovering over them with the computer cursor, all of which point to various sections, subsections and/or documents at <http://www.acma.gov.au>, which GMO has been unable to access. As such, GMO is without knowledge to admit or deny any of Complainants' assertions or allegations that may be contained in the aforementioned links, and therefore denies same.

29. Attachment 1 to the Response does not appear to contain any allegations which require a response. To the extent a response is required, GMO denies.

30. Attachment 2 to the Response does not appear to contain any allegations which require a response. To the extent a response is required, GMO denies. Further, GMO admits that Attachment 2 is the Amended Declaration of Barrie Trower which was filed in support of plaintiffs in a civil suit filed in the U.S. District Court for the District of Oregon, Portland Division, which was dismissed with prejudice on July 20, 2012 pursuant to defendants' Motion for Summary Judgment.²

31. Attachment 3 to the Response does not appear to contain any allegations which require a response. To the extent a response is required, GMO denies.

32. Attachment 4 to the Response does not appear to contain any allegations which require a response. To the extent a response is required, GMO denies.

33. Attachment 5 to the Response does not appear to contain any allegations which require a response. To the extent a response is required, GMO denies.

34. Attachment 6 to the Response does not appear to contain any allegations which require a response. To the extent a response is required, GMO denies.

35. Attachment 7 to the Response does not appear to contain any allegations which require a response. To the extent a response is required, GMO denies.

36. Attachment 8 to the Response does not appear to contain any allegations which require a response. To the extent a response is required, GMO denies.

IV. CONCLUSION

37. GMO has complied with its tariffs and all Commission rules, regulations and Orders. For the reasons set forth herein, GMO requests the Commission find there is no basis for the allegations in the Complaint nor Response and dismiss them accordingly.

² AHM v. Portland Pub. Schs., 2012 U.S. Dist. LEXIS 188076 (D. Or. Sept. 5, 2012).

WHEREFORE, GMO respectfully submits for Commission consideration this Reply to the Response, 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 Answer, 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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CERTIFICATE OF SERVICE

A copy of the foregoing has been served this 19th day of May 2016 upon parties of record in this proceeding.

/s/ Roger W. Steiner

Roger W. Steiner