

In the Matter of:

BARBARA EDWARDS

v.

EVERGY MISSOURI WEST, INC.

EC-2020-0252, VOL. III

September 24, 2020



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BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

Evidentiary Hearing

September 24, 2020

Jefferson City, Missouri

Volume 3

Barbara Edwards,)
Complainant,)
vs.) File No. EC-2020-0252
Evergy Missouri West, Inc.,)
Respondent.)

JANA JACOBS, Presiding
REGULATORY LAW JUDGE
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SCOTT T. RUPP, Commissioner
MAIDA J. COLEMAN, Commissioner
JASON R. HOLSMAN, Commissioner

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P R O C E E D I N G S

JUDGE JACOBS: All right. So we're going to bring this proceeding to order. We are now on the record. Good morning. Today is September 24, 2020, and the time is now -- according to my clock over here, it's actually 9:01. So according to this computer we are not running late even though the one in the room suggests it's ten after 7:00. So the Commission has set aside this time for an evidentiary hearing in Case No. EC-2020-0252, which is Barbara Edwards, the Complainant vs. Evergy Missouri West, Incorporated d/b/a Evergy Missouri West.

My name is Jana Jacobs. I'm the Regulatory Law Judge assigned to this case. And also present with us here today is Commissioner Jason Holsman, and I don't see any other Commissioners on the line via WebEx at this time. If there is a Commissioner who's connected by phone, could you speak up now and just identify yourself other than Commissioner Holsman, please? Okay. So I believe we only have one Commissioner on the line at this time.

I would ask that any of the folks who are joining us via WebEx today don't use the chat. The chat will only be used for purposes of my communication with you. If you need to communicate with each other about

1 something else, don't use the chat for that purpose.

2 Okay. We're going to start with entries of
3 appearance and we'll start with Ms. Edwards. Ms.
4 Edwards, would you please identify yourself and spell
5 your name for the record?

6 MS. EDWARDS: Yes. Barbara Edwards,
7 B-a-r-b-a-r-a E-d-w-a-r-d-s.

8 JUDGE JACOBS: Thank you very much, ma'am.
9 And we'll go ahead with Everyg West, please.

10 MR. STEINER: Roger W. Steiner. My contact
11 information has been given to the court reporter.

12 JUDGE JACOBS: Thank you, sir. And for
13 Commission Staff.

14 MR. PRINGLE: Thank you, Judge. Travis J.
15 Pringle, and my contact information has been given to
16 the court reporter.

17 JUDGE JACOBS: Thank you so much. As I noted
18 before, we're all wearing masks today. That can make it
19 hard sometimes to understand each other. It also makes
20 it hard to communicate a little bit. We can't smile at
21 each other. Sometimes people appear maybe a little bit
22 more aggressive than they actually need to be because
23 all you can see is their eyes. So we're all going to
24 give each other the benefit of the doubt today. If you
25 didn't understand something, please speak up and we'll

1 go back over it.

2 All right. So this hearing is being conducted
3 in the offices of the Commission and also by video and
4 telephone conference. We will have some testimony today
5 by WebEx, and you can see what I'm seeing on my screen
6 up there on the monitor. As I said before, silence your
7 cell phones so we won't have too many interruptions here
8 today.

9 If you need to be excused for some reason, you
10 need a break, then just go ahead and speak up. I was
11 hoping we would take a break at about 11:30 if that was
12 a good breaking point today. Okay. So there was a
13 little bit of an unusual order in this case for the
14 exchange of exhibits. We did that because of the
15 circumstances we're all living in right now with
16 COVID-19 so we wouldn't be passing a lot of documents
17 around in this room today. So I appreciate the fact
18 that the parties cooperated with that and submitted
19 their exhibits in that way. Thank you very much to
20 staff. It looks like you organized that. I appreciate
21 it.

22 I did notice that when Ms. Edwards submitted
23 her documents that she had used a lettering system to
24 label her exhibits, and I just want to make sure that
25 we're clear that because staff went to the effort of

1 preparing a cover sheet for me that identified each of
2 those exhibits and assigned a number to them that we'll
3 just go ahead and use that system. So we're going to
4 use those numbers for the exhibits that you offer,
5 ma'am, and then I think that Everyg's pick up at 200 or
6 something like that and staff at 300. Anyway, whatever
7 system it was that staff proposed in that disclosure
8 that you filed, that's what we're going to use unless
9 anyone has an objection to that or a concern why it
10 won't work.

11 MR. PRINGLE: Just a quick note, Judge. It's
12 1, 100, 200.

13 JUDGE JACOBS: Great. So 1 and then 100 and
14 200. That makes more sense. Thank you. Okay. You can
15 -- That will enable you when you want to offer a
16 document, you can identify it that way because we all
17 have this shared reference point. So you can look at
18 your documents and identify them in that way. We'll
19 work together in case that gets confusing. If you ever
20 are not sure what someone is talking about, just speak
21 up so we can make sure we're all on the same page.

22 So the plan to handle those exhibits is that
23 adjudication staff will mark those and make sure that
24 they get filed after our hearing today and then I'll
25 give the parties a period of time to let us know if we

1 make a mistake in that process. So at that point we
2 won't be arguing about whether a document should
3 actually be in the record. But you will be able to let
4 us know oh, wait, you got the wrong page or you skipped
5 a page just so we can make sure that's all correct.
6 Okay. So there will be an order explaining that after
7 we're done today. Does anybody have any questions about
8 how we handled exhibits or proposed exhibits or any
9 concerns they want to raise at this point?

10 MR. STEINER: Just to be clear, Judge, we
11 still have to offer them into the record, right.

12 JUDGE JACOBS: Yes.

13 MR. STEINER: They're just listed now?

14 JUDGE JACOBS: They're just listed and it's
15 just for the purposes of creating a shared reference
16 point for all of us to deal with today.

17 MR. STEINER: Thank you.

18 JUDGE JACOBS: Okay. All right. And then I
19 would like to note that the Commission is going to take
20 official notice in this case of Evergy Missouri West's
21 tariffs in effect during any relevant time periods in
22 this case. Okay. And the tariffs are, of course, the
23 specific rules that the company has to operate under.
24 All right. So you have all presented me with a list of
25 witnesses and order in which this case is going to

1 proceed and that's exactly how we're going to do it.
2 Looks like Ms. Edwards plans to offer four witnesses
3 today including herself. And then after Ms. Edwards
4 presents her case, we'll hear from Everygy West. I
5 understand Everygy West has three witnesses. And after
6 Everygy West, staff will make its presentation. I
7 believe staff has two witnesses today. Just so that
8 you're aware of how this is going to work, witnesses are
9 subject to cross-examination. So after witnesses give
10 their testimony, other parties can ask them questions.
11 Parties may also hear questions from Commissioners and I
12 may also ask questions. And then typically after that
13 there will be a chance for additional clarifications.
14 Okay?

15 MS. EDWARDS: I have a question, Judge. The
16 three witnesses that I have are all out of state. And I
17 had talked with Mr. Pringle about possibly putting them
18 on first so that they could get back to their jobs and
19 then I could present my testimony and my arguments, if
20 that would be permissible.

21 JUDGE JACOBS: And I believe that is the order
22 of witnesses that was proposed, and so I don't see any
23 reason at this point why we can't proceed. However, if
24 for some reason their testimony isn't making any sense
25 because we haven't heard from you yet, then that might

1 not work. So we'll go ahead and proceed with the order
2 of witnesses as was presented by the parties. And then
3 if there's a problem with that, then we'll deal with it.

4 MS. EDWARDS: Thank you.

5 JUDGE JACOBS: All right. So this is probably
6 a good time to ask if anybody on WebEx needs to ask any
7 questions at this point. Okay. I don't believe so.

8 UNIDENTIFIED SPEAKER: I have no questions.

9 JUDGE JACOBS: Whoever is speaking on WebEx
10 right now, actually because our court reporter has no
11 idea who you are, you would have to identify yourself.
12 So if that was a party witness, I don't think we're
13 going to take questions from party witnesses at this
14 point. If I don't have any questions from
15 Commissioners, I think we're going to proceed.

16 Okay. So we will start first with opening
17 statements. And Ms. Edwards, you're going to be leading
18 in this case. So you're going to go first with your
19 statement.

20 MS. EDWARDS: Thank you.

21 JUDGE JACOBS: Hold your horses. We're not
22 quite ready yet. Your opening statement is not your
23 case. Your opening statement is a preview of your case.
24 Because you're going to be testifying today, I'd like to
25 just go ahead and get you sworn in first. Okay?

1 MS. EDWARDS: Thank you.

2 (Ms. Edwards affirmed.)

3 JUDGE JACOBS: Thank you very much, ma'am.

4 Now, as I was starting to explain, your opening
5 statement is an opportunity for you to outline the
6 arguments that you're going to make. So then later on
7 you'll actually make those and use your witnesses to
8 support them. All right? So you should think of this
9 as a preview of the case so we're all ready to hear what
10 you're going to show us. Unless you have any questions,
11 you can go ahead now with your statement. And if you'd
12 like, you can remain seated if you're comfortable that
13 way. You could also come up to the podium if you'd like
14 to do that as well. It's up to you.

15 MS. EDWARDS: I think I'll just sit here.
16 Thank you.

17 JUDGE JACOBS: Okay.

18 MS. EDWARDS: Well, as you know, my name is
19 Barbara Edwards, and I will probably be presenting my
20 case once we get my former file that was filed I believe
21 it was on February 14. I want that to be brought onto
22 the record. I have had a smart meter installed in my
23 home without my permission, consent, no request by me.
24 It's been there for over a year now. And I have been
25 sleeping in my living room on my sofa for most of this

1 time to protect my health. Essentially I want this
2 meter removed.

3 I believe my constitutionally protected rights
4 are in jeopardy. And my arguments are going to be
5 basically based upon my original correspondence which
6 went to Kansas City Power & Light and then when it
7 turned to Evergy which I believe they have all of the
8 same CEOs, or excuse me, the same CEO and most of the
9 same Board of Directors.

10 Again, I'm going to try to follow my original
11 correspondence so that I can kind of keep on track, but
12 essentially I want this removed from my home without any
13 penalties to me. I believe that this could be
14 considered a taking, and my airspace rights have been
15 violated which I own. I've had health problems. Again,
16 I feel deprived of my own property and assaulted by the
17 electromagnetic fields which go constantly. I cannot
18 turn them off. And I believe what Evergy is doing is
19 wrong.

20 JUDGE JACOBS: Okay. Thank you very much, Ms.
21 Edwards. Evergy West, do you have an opening statement
22 today?

23 MR. STEINER: Yes, Your Honor.

24 JUDGE JACOBS: You can proceed, sir. Thank
25 you.

1 MR. STEINER: May it please the Commission.
2 My name is Roger Steiner. I represent Evergy Missouri
3 West. While the complainant has alleged many things,
4 the Commission should keep in mind its statutory
5 authority. The Commission has authority to review
6 whether the company has violated its tariffs or
7 Commission regulation or statute. The company has not
8 violated any tariff, regulation or statute as has been
9 indicated in staff's report in this matter.

10 You heard Mrs. Edwards alleges the AMI meters
11 negatively impact her health. The company has been
12 using AMI meters since 2008 and believes they are safe
13 in all respects. In that time there's only been two
14 formal complaints and this case is one of them.

15 In addition, the Commission wisely approved
16 the company's opt-out tariffs for customers who don't
17 want to be served by an AMI meter. If the complainant
18 for whatever reason does not want to be served by an AMI
19 meter, she's able to be served with a non-AMI meter
20 under the company's existing tariffs. Thus, the remedy
21 that the complainant seeks, removal of the AMI meter, is
22 available to her under the existing tariffs and the
23 Commission is not required to decide whether the meter
24 is impacting the complainant.

25 Another issue raised by the complainant,

1 although we did not hear it in the opening but it's in
2 her complaint, was possible overcharging. In fact,
3 there was no overcharging. Under the company's tariffs,
4 we are allowed to bill back for 60 months if the bills
5 are in error. In this case the complainant's previous
6 meter was a self-read meter, and the complainant did not
7 read the meter for an extended period of time. This
8 means that she was not being charged for her usage.
9 When the company discovered this, it calculated an
10 approximate usage for this time period and billed her
11 for this amount under its tariffs.

12 Staff has reviewed the company's back bill
13 calculation, believes it's appropriate and consistent
14 with the Commission rules and the company's tariffs. I
15 will present three witnesses today: Mr. Travis Lincoln,
16 Mr. Brad Walsh and Ms. Alisha Duarte. They will present
17 information, will answer questions about the AMI meters,
18 the meter installation, opt-out tariffs and back billing
19 procedures. Thank you.

20 JUDGE JACOBS: Thank you. Mr. Pringle.

21 MR. PRINGLE: Yes, Judge. Good morning,
22 Judge.

23 JUDGE JACOBS: Thank you.

24 MR. PRINGLE: May it please the Commission.
25 My name is Travis Pringle, Associate Counsel for the

1 Staff Counsel Department, Missouri Public Service
2 Commission. On February 24, 2020, Ms. Barbara Edwards
3 filed a complaint against Evergy Missouri West regarding
4 its installation of an Advanced Meter Infrastructure or
5 AMI meter on her property. In complaint cases, staff
6 completes an investigation and filed an investigative
7 report with the Commission and all parties to the
8 complaint case.

9 In this case, staff was ordered to file its
10 report by April 27, 2020. Having concluded its
11 investigation and having filed its report, staff
12 concludes that Evergy Missouri West has not violated any
13 applicable statutes, Commission rules or Commission
14 approved company tariffs that were associated with this
15 complaint.

16 However, staff's investigation did discover
17 areas where Evergy West could improve its procedures
18 regarding this type of complaint. These recommendations
19 include, one, putting a procedure in place to monitor
20 the self-usage of self-read customers in an attempt to
21 mitigate lost revenue to the company, avoid customer
22 confusion and lessen the burden for the customer
23 arrearages. Two, training employees on recording and
24 entering account notes to ensure accuracy of the events
25 that transpired and, three, clarifying the company's

1 tariff as to whether or not the \$150 installation fee
2 for the nonstandard meters can be avoided if the
3 customer contacts the company before the nonstandard
4 meter is exchanged for the new standard meter or AMI
5 meter.

6 Staff members Amanda Coffey and Tammy Huber,
7 who completed staff's investigation and authored staff's
8 report, are available today should there be any factual
9 questions regarding staff's investigation. Thank you.

10 JUDGE JACOBS: Thank you very much. Okay. So
11 thank you very much for your statements. We can proceed
12 now to taking evidence. And so we'll begin with Ms.
13 Edwards. Ms. Edwards, this is your opportunity to
14 present your case. You may call witnesses. You can
15 also offer evidence onto the record. The most typical
16 types of evidence before this Commission are testimony
17 from a witness and evidence in the form of documents.
18 This is your opportunity to tell the Commission what
19 happened and support it with your testimony and the
20 testimony of witnesses and with your documentation. All
21 of the parties' witnesses may be questioned by other
22 parties, as I mentioned. So as I mentioned before,
23 Commissioners may also want to ask questions after they
24 hear from your witnesses. So you can go ahead and get
25 started. I would like to note it appears that we do

1 have Commissioner Coleman also on the line. So as far
2 as I can tell, present today is Commissioner Holsman if
3 he's still with us and Commissioner Coleman. So Ms.
4 Edwards, you can go ahead and proceed. It looks like
5 you wanted to present a witness.

6 MS. EDWARDS: Yes. I'd like to present Liz
7 Barris from California as my first witness.

8 JUDGE JACOBS: Is Ms. Barris joining us by
9 WebEx?

10 MS. EDWARDS: I'm not sure if she's on WebEx
11 or on the phone.

12 MS. BARRIS: I'm on the phone. Can you hear
13 me?

14 JUDGE JACOBS: Okay. So it sounds like we
15 have someone who's identified themselves. So Ms.
16 Barris, would you please state your full name and spell
17 it for the record?

18 MS. BARRIS: Yes. You can hear me?

19 JUDGE JACOBS: Yes, we can hear you. Can you
20 hear us?

21 MS. BARRIS: Okay. Great. Fabulous.
22 Elizabeth Barris, and that's B-a-r-r-i-s.

23 JUDGE JACOBS: And Elizabeth spelled the
24 normal way?

25 MS. BARRIS: Yes.

1 JUDGE JACOBS: Okay. And could you state your
2 address for the record, please, ma'am?

3 MS. BARRIS: Sure. 101 South Topanga,
4 T-o-p-a-n-g-a, Canyon Boulevard, No. 586, Topanga,
5 California 90290.

6 JUDGE JACOBS: Okay. Ms. Edwards, you may
7 proceed with your witness.

8 MS. EDWARDS: Yes.

9 JUDGE JACOBS: I'm sorry. This witness has
10 not been sworn in. So we will not be proceeding with
11 her until she is sworn in.

12 (Witness sworn.)

13 JUDGE JACOBS: Thank you. I apologize and
14 now, Ms. Edwards, you may proceed.

15 ELIZABETH BARRIS,
16 called as a witness on behalf of the Complainant, being
17 sworn, testified as follows:

18 DIRECT EXAMINATION BY MS. EDWARDS:

19 Q. Yes. Liz, as we spoke, I believe you are
20 going to address the National Toxicology program, a
21 little bit about the smart meters and your own
22 experience with EMF sensitivity. And if you would just
23 begin and give the Court your opinion and what you know
24 about this situation.

25 A. Absolutely. And just a little reminder the

1 Fair Housing Act and Americans with Disabilities Act. I
2 think you were going to cover the ADA. So I'll address
3 Fair Housing Act. So let's get that out of the way
4 first actually. Would you prefer -- Would you all
5 prefer that I not say the Fair Housing Act first, save
6 that for later?

7 JUDGE JACOBS: So the question I heard was in
8 regard to electromagnetic radiation; is that right?

9 THE WITNESS: Yes.

10 JUDGE JACOBS: My first question would be
11 please explain to us the basis of your experience or
12 knowledge in that regard. So please tell us more about
13 --

14 THE WITNESS: Oh, sure.

15 JUDGE JACOBS: -- yourself so we can
16 understand where your opinions are derived from.

17 THE WITNESS: Oh, sure, absolutely. So I am
18 -- Electrosensitive is a civilian term. Microwave
19 radiation poisoning is the military term. It's a well
20 known illness recognized by the United States Congress
21 Access Board, and electrosensitivity is the civilian
22 term. Basically it's any wireless radiation can make
23 the person sick. And if it's whole body exposure, it's
24 a nonlinear reaction. So that means that each person
25 could have a different reaction. So wherever you're

1 weakest, that's what goes first.

2 We all know that, you know, electromagnetic
3 radiation is used as a weapon in our military and it's
4 well known, you know, one pulse can actually kill. You
5 can stop an animal's heart. This has been peer reviewed
6 and replicated many times in studies.

7 JUDGE JACOBS: I'm sorry, Ms. Barris, I'm
8 going to have to interrupt you for a moment. So are you
9 trying to provide testimony today about your physical
10 condition?

11 THE WITNESS: Sure. Well, I tell you what, my
12 physical condition is --

13 JUDGE JACOBS: I'm sorry. I apologize. That
14 was a yes or no question. Were you giving testimony
15 about your physical condition, ma'am?

16 THE WITNESS: I thought I was just supposed to
17 speak about whatever it was that I felt related to this
18 case.

19 JUDGE JACOBS: Right. I'm trying to figure
20 out -- I'm trying to help you explain to the Commission
21 why your testimony will be helpful in this case. So is
22 there -- Do you have some knowledge in regard to
23 electromagnetic radiation or smart meters and if so,
24 could you please explain to us where that comes from?

25 THE WITNESS: Yeah. I think we were talking

1 at the same time. I didn't hear the word before you
2 said electromagnetic. What did you say?

3 JUDGE JACOBS: So I would like you to explain
4 to us the basis of your experience or knowledge in
5 regard to the topics you are addressing.

6 THE WITNESS: Sure. So I was damaged by both
7 a cell tower from the radiation that comes out of it and
8 a cell phone and a cordless phone and then eventually a
9 smart meter, and that's how I became aware that people
10 could get very damaged by this pulsed microwave
11 radiation.

12 JUDGE JACOBS: Okay. So I will let you go on
13 for a little bit once we've established a few things.
14 Okay. So you're here today because you have personally
15 had an experience becoming ill based on exposure to
16 electromagnetic radiation; is that right?

17 THE WITNESS: Yes.

18 JUDGE JACOBS: Okay. So could you tell us are
19 you a doctor or do you have any technical background in
20 these issues or is this based entirely on your
21 experience?

22 THE WITNESS: Well, the only reason that I
23 have some technical background is because of my injury I
24 had to get familiar with what was happening. So I did
25 attend Bau Biology Institute and I passed all their

1 courses on electromagnetic radiation to become an
2 electromagnetic radiation specialist.

3 I am not a doctor, I am not a lawyer, and I am
4 not a scientist. I'm just somebody who's been harmed by
5 the radiation and I have a little bit of background now
6 in the radiation. But you know, I've been measuring
7 people's electromagnetic fields for years now with my
8 meters and telling them how to protect themselves, how
9 to shield from the radiation and how to reduce their
10 pain from the radiation, their illness from the
11 radiation, that kind of thing. That would be why I'm
12 testifying today.

13 JUDGE JACOBS: Okay. And if you could tell us
14 -- I'm sorry. The court reporter has a question.

15 THE COURT REPORTER: The school she attended,
16 I didn't catch the first name.

17 JUDGE JACOBS: Could you identify the school
18 that you attended?

19 THE WITNESS: It's called Bau Biology, B-a-u.
20 B-a-u Biology, B-i-o-l-o-g-y. It's located in Santa Fe,
21 New Mexico.

22 JUDGE JACOBS: And what was the program?

23 THE WITNESS: Electromagnetic radiation
24 specialist.

25 JUDGE JACOBS: Okay. And so the other thing I

1 would like to do before you proceed, and at that point I
2 will let you give a more narrative statement, how is it
3 that you come to give testimony today? You told us you
4 have a California address. How is it that you come to
5 give testimony today in relation to Ms. Edwards who
6 resides in Missouri?

7 THE WITNESS: She asked me to. That's the
8 only reason I'm here.

9 JUDGE JACOBS: And how is it that you come to
10 know Ms. Edwards?

11 THE WITNESS: You know, I send out a
12 newsletter and I'm also suing on this issue. I am a
13 plaintiff against the FCC. I also have the Erin
14 Brockovich firm is representing -- they're going to be
15 representing myself and some other people along with
16 Andrew Campanelli from New York. He's a number one cell
17 tower attorney I'd say in the country. You know, we
18 have multiple lawsuits happening on this issue. I'm
19 involved in those. That may have been how Barbara found
20 out about me. I'm not sure how she got on to my
21 newsletter email list. You'd have to ask Barbara how
22 she found out about me. I don't know.

23 JUDGE JACOBS: Okay. So is it safe to say
24 that you're then someone who's advocating on this issue
25 at this time?

1 THE WITNESS: Oh, yes, yes.

2 JUDGE JACOBS: Okay. What's the name of your
3 organization?

4 THE WITNESS: I have four organizations. The
5 first one is CitizensForARadiationFreeCommunity.org.
6 Second one would be American Association for Cell Phone
7 Safety. Those websites haven't been updated in a very
8 long time. The third would be StopSmartGrid.org. We
9 helped stop a bill in Congress that would have made
10 smart grid mandatory for the United States. This was --
11 anyway, I don't want to go on a tangent here. And then
12 my nonprofit, which I'm not allowed to lobby out of, is
13 called ThePeoplesInitiative.org.

14 JUDGE JACOBS: Okay. So --

15 THE WITNESS: That's the nonprofit that
16 distributes the newsletter.

17 JUDGE JACOBS: I think based on where -- Ms.
18 Edwards has pretty much opened up the floor to you and
19 you had started addressing quite a few issues all at one
20 time. So I wanted to help focus your testimony. So if
21 you could now address the health issues that you wanted
22 to discuss in regard to smart meters. It sounds like
23 you are concerned about all different kinds of
24 electromagnetic radiation coming from all sorts of
25 different devices. This case concerns a smart meter.

1 If you could address that, that would be helpful. You
2 can go ahead and proceed to discuss your health issues.
3 I will let Ms. Edwards resume taking care of your
4 testimony. Thank you very much for your patience with
5 me this morning.

6 THE WITNESS: Okay. Sure. So regarding my
7 health issues with smart meters, I didn't know -- I
8 really didn't know that I had a smart meter. I moved
9 from my home in Santa Monica into Topanga to get away
10 from the cell tower, because we couldn't get it removed
11 per Telecom Act law. Even if you get cancer from a cell
12 tower, you can't say "Judge, I got cancer from this cell
13 tower. I'd like it removed." The Telecom Act, it
14 actually values the life of the cell tower over the life
15 of the citizen, which is wrong, and that's one of the
16 things that we're suing over and we're going to be suing
17 over.

18 So anyway, I moved to Topanga and I only found
19 out we had a smart meter there because I started getting
20 sick within I would say two weeks of having lived there
21 I was unable to even use my entire apartment and the
22 meter was on the other side of the building if this
23 building was divided in two. And I had one unit on one
24 side. There was -- The smart meter was not on my side
25 of the unit. But the pulses were so powerful, sharp and

1 strong that they were giving me migraine headaches,
2 ringing in the ears, nausea, heart arrhythmia,
3 dizziness, inability to concentrate, pain in my head,
4 sharp pangs of pain as if somebody was putting a knife
5 or some kind of spike in my head and in my ear,
6 especially in my ear, and it was very, very painful. I
7 just could not be in that building. I could not be in
8 my own apartment.

9 I actually slept in my car for eight months,
10 okay, while I went to court. I went to court with my
11 landlord, and I eventually ended up suing Edison. That
12 was the utility. I'm going to be suing them again. We
13 won, by the way, all of our hearings. We got thrown out
14 after having won four hearings. The attorney said what
15 happened was we won and then the judge, after with no
16 further evidence being introduced and no further
17 hearings, reversed her decision. Okay. And the
18 attorney said he had never seen anything like that in
19 all of his career and he was in his 80s. He felt that
20 that was a sign of corruption, and he said this is
21 something that I can't surmount. He said he didn't want
22 to appeal it. And I had a hard time getting an attorney
23 to appeal it. I was new to suing. And eventually, you
24 know, nothing came of that case. But the possibility
25 exists with probability that I'm going to be suing

1 again. I know I'm not going to be talking about that
2 today though.

3 Those were my health effects. That was the
4 effect that it had on me. It made my entire apartment
5 uninhabitable. It made me unable -- I had to sleep in
6 my car. That was a violation of the law, sleeping in my
7 car. So those are my health. Also high blood pressure.
8 I've now got, you know, damage to my kidneys. I have
9 blood coming out of my -- blood in my urine, blood in my
10 stool, and this is from not being able to get away from
11 the smart meter exposure.

12 I am now in a home that does not have a smart
13 meter. The only reason I've been able to live in this
14 home for eight years is because it has no smart meter,
15 but I am getting pulses from my neighbors' meters and
16 those pulses have been seriously affecting my health.
17 Yeah, so that's pretty much my story.

18 And then the other thing when I was in Santa
19 Monica living about a few hundred feet away from a cell
20 tower, about a block and a half away --

21 JUDGE JACOBS: So I'm going to interrupt you
22 for a minute here, ma'am. So Ms. Edwards, did you have
23 any additional questions for Ms. Barris?

24 MS. EDWARDS: Are you referring to just this
25 particular segment of her testimony, right?

1 JUDGE JACOBS: Your questions should be
2 addressed to your case and the things that you would
3 like to show in your case. Did you have any questions
4 for her?

5 MS. EDWARDS: Yes.

6 BY MS. EDWARDS:

7 Q. Liz, I have had similar symptoms, blinding
8 headaches, dizziness, brain fog, insomnia to the point
9 where I will wake up after going to sleep about 10:00 or
10 11:00. I'm up at, say, 12:00, 1:00 and absolutely wide
11 awake, cannot go to sleep. Maybe 5:00 I get another
12 couple of hours in. Then, of course, I suffer with
13 fatigue.

14 JUDGE JACOBS: So I'm not going to be able to
15 let the attorneys testify. So I can't let you testify
16 either at this point.

17 BY MS. EDWARDS:

18 Q. Okay. So my question is, with what I have
19 just described, would you say that these are signs of
20 the electromagnetic radiation getting through to me and
21 causing these problems?

22 MR. STEINER: I'm going to object. There's
23 been no foundation for this question. We don't have any
24 evidence that Ms. Barris has examined the complainant,
25 nor do we have any evidence that she is someone that can

1 diagnose EMF problems.

2 MS. EDWARDS: I understand.

3 JUDGE JACOBS: Would you like to rephrase your
4 question?

5 MS. EDWARDS: Yes.

6 BY MS. EDWARDS:

7 Q. Liz, is there anything I can be doing from
8 your point of view having lived with these sensitivities
9 that can help me?

10 A. Yes, yes, and I just want to say I did forget
11 to mention that I have loss of energy so extreme that I
12 felt like I was 90 and I was only in the 40s. And I
13 would just also like to say that the waking up at night
14 happened to me as well. Then I found out that they run
15 tests on the program at night. They do a check on the
16 program. All the smart meters sort of talk to each
17 other and that can wake people up, absolutely.

18 So what can you do, Barbara. Yes, I would
19 recommend getting out of that house completely. It is
20 not safe to inhabit with a smart meter. It can stop a
21 heart. It can cause serious neurological damage, organ
22 damage, stroke. It can cause high blood pressure. I
23 would recommend getting out of the house. First I would
24 recommend getting the smart meter off your house and
25 then if the neighbors' smart meters are still bothering

1 you, you know, if it's bad, you can see about getting an
2 opt-out with your neighbors. There's been, I believe, a
3 precedent set for this in the state of Oregon and I sent
4 over -- I haven't read it myself yet, but I sent over
5 that document. But I would recommend getting a
6 hard-wired analog only meter which has no RF or
7 millimeter wave capability whatsoever, no RF or
8 millimeter module add-on capability and make sure that
9 meter is not transmitting. That would be my first
10 thing. And yeah, that would be -- That's my only
11 recommendation for the smart meter, because, you know,
12 it's either getting out of there or getting the opt-out
13 and getting the neighbors to opt-out, because I have
14 found that smart meter radiation is almost impossible
15 for me to block. I can block a lot of things. I can
16 block cell tower radiation. I can block wi-fi
17 radiation. The smart meter is different for some
18 reason. I don't know if that's because it's riding in
19 on the electrical wiring and causing high frequency
20 transients and dirty electricity or if it's just because
21 the pulses are so sharp that, you know, literally you'd
22 have to encase it in like metal in order to block it and
23 then the utility wouldn't be able to get their signal
24 and they wouldn't like that.

25 The smart meter is probably I would say the

1 hardest infrastructure for me to block when trying to
2 help people.

3 JUDGE JACOBS: Okay. I'm sorry, Ms. Barris.
4 We're going to see if Ms. Edwards had any other
5 questions. We've diverged quite a bit from her
6 question.

7 BY MS. EDWARDS:

8 Q. Liz, I do a lot of cooking at my -- I have a
9 stainless steel stove and a stainless steel fan above
10 it. There's no microwave there. And I have had very
11 strong readings at my eye level and I have just had an
12 eye problem diagnosed with my eyes. Can you tell me if
13 there's anything about the eyes that I should be
14 cautious about?

15 A. Well, yes, the eyes are one of the most
16 vulnerable organs, you know, the eyes, the breasts, the
17 testicles. They're just very vulnerable. You can get
18 uvea cancer, which is eye cancer, from this radiation.
19 You can get cataracts. You can get glaucoma. I mean,
20 you can just get -- The eyes are so vulnerable. I
21 honestly would recommend getting that meter off of your
22 house.

23 JUDGE JACOBS: Okay. And we're running into
24 very cumulative testimony here. We've heard those
25 statements repeated several times. Was there anything

1 else that you wanted to ask Ms. Barris today?

2 MS. EDWARDS: I don't believe so. Is there
3 anything else that she can -- she can go on to maybe
4 Fair Housing or to whatever else she wants to speak to.

5 JUDGE JACOBS: Ms. Barris has already informed
6 us, first of all, she's not a lawyer. So I don't know
7 if she's going to be able to provide expert testimony on
8 legal issues. We also do have attorneys who will be
9 arguing the law. If you would like to argue the law,
10 you could do that in a brief. That would be more
11 appropriate.

12 BY MS. EDWARDS:

13 Q. Okay. What about -- Could you tell me a
14 little bit about the National Toxicology program,
15 please?

16 A. I can. And I also have prepared for the
17 Commission something I'd like to play. It's two and a
18 half minutes of the program director and he's a
19 doctor, Dr. Ronald Melnick. He's with -- The National
20 Toxicology program is part of NIH, the National
21 Institutes of Health. It's the highest scientific
22 office in the United States of America. They did a \$25
23 million ten-year study, and the results of those studies
24 was clear evidence of statistically significant
25 carcinogenic effects.

1 Okay. The cancers that were found were brain,
2 heart, liver, pancreas, prostate, pituitary and adrenal
3 gland. They also found some lung. What I'm going to
4 play for you is a presentation about his study.

5 JUDGE JACOBS: So hold on a second. Ma'am, so
6 it would be inappropriate for you to play anything at
7 this point if we do not know what it is and who it is
8 and the parties have an opportunity to address whether
9 that should be evidence in this case.

10 THE WITNESS: Well, this is actually publicly
11 available. It's online. It's Dr. Ron Melnick, and it's
12 part of his presentation on his study throughout the
13 National Toxicology program.

14 JUDGE JACOBS: So was it testimony to a
15 certain entity of some kind?

16 THE WITNESS: I'm sorry? Could you repeat
17 that?

18 JUDGE JACOBS: Was it some kind of testimony?

19 THE WITNESS: Yeah, yeah. He gave a
20 presentation on the study that he headed up at the
21 National Toxicology program.

22 JUDGE JACOBS: We still don't have basic
23 information about what you'd like to present. Ms.
24 Edwards, do you want to --

25 THE WITNESS: That's the most basic I can get.

1 He's the head of the National Toxicology program for
2 this study. His name is Dr. Ronald Melnick. This is a
3 presentation. It is available to the public. It's
4 available online. And it's going to be his voice, his
5 words, his everything talking about the results of his
6 study.

7 JUDGE JACOBS: He isn't present. So we won't
8 be able to ask him any questions about that. That would
9 be the problem with that type of presentation.

10 THE WITNESS: Okay. I mean, it's up to you.
11 So you don't want to hear it. Okay. So I won't present
12 that. What I was going to also do was just read a
13 statement from the Fair Housing Act which, you know, I
14 think is appropriate, but you don't want to hear that
15 either; is that right?

16 JUDGE JACOBS: Someone would have to
17 articulate how the Fair Housing Act is implicated in
18 this case.

19 MS. EDWARDS: I can answer that, I believe. I
20 am a licensed Missouri real estate broker for over 40
21 years currently, never had it taken away, never had a
22 complaint against me. More and more I'm talking to
23 people who are questioning about the smart meters. I
24 think this is going to be a question. I've already had
25 one person I know who owns several rental properties.

1 JUDGE JACOBS: So now you're testifying about
2 your experience as a realtor which you'll have a chance
3 to do when you give your testimony.

4 MS. EDWARDS: Right. So I will do that then.
5 But my point is, I believe this is a problem with the
6 real estate and with people in housing and I believe
7 that it really needs to be addressed because it's going
8 to be a problem.

9 JUDGE JACOBS: Does that apply to you today in
10 your complaint?

11 MS. EDWARDS: I own real estate. We're in the
12 castle law state. If I were to rent out my property, I
13 would have to disclose it or I could lose my license.

14 JUDGE JACOBS: So your argument is that you
15 would have to disclose that there's a smart meter on
16 your house?

17 MS. EDWARDS: I would have to and that there
18 are dangers. Again, the Missouri law is very --
19 Missouri real estate law is very specific. Either I or
20 a potential client if I do not divulge information that
21 I know or should have known to a buyer and they find out
22 about it later, I could be sued and lose my license.

23 JUDGE JACOBS: If you are going to make a Fair
24 Housing Act argument in this case, it won't be made
25 through Ms. Barris.

1 MS. EDWARDS: Right.

2 JUDGE JACOBS: So if you would like to file a
3 brief that addresses that, you could do that. If you
4 have some facts that you're going to present here today
5 in the hearing that apply to that, you could do that.

6 MS. EDWARDS: Okay. Thank you.

7 JUDGE JACOBS: Did you have any other
8 questions for Ms. Barris before we wrap up her
9 testimony?

10 BY MS. EDWARDS:

11 Q. Yes. Ms. Barris, I believe you wrote a white
12 paper that was presented to Congress at sometime. Could
13 you expand on that a little bit?

14 A. Sure. The white paper, it was -- the genesis
15 of it was when we sued, we sued Edison and PG&E over
16 their smart meter program. The response from PG&E --
17 The PG&E had a congressman who was actually a lobbyist
18 prior to being a congressman for the very utility that
19 we were suing or rather for the very market. He was for
20 the gas company and he was a lobbyist. They were using
21 smart meters also.

22 So this gentleman got a bill introduced into
23 Congress to make smart grid mandatory for the United
24 States. So we had to write this congressional white
25 paper and bring it to Congress and lobby to get that

1 bill killed. And we did eventually get that bill
2 killed. I'm not saying we did it. The attorneys on the
3 committee also helped a great deal with that.

4 But the white paper basically talks about
5 there is a bank, I forget the name of it, it's a very
6 hidden bank, and it provides funds for utilities and I
7 have it in my -- I wasn't prepared with the white paper.
8 I didn't know we'd be talking about that or I'd have the
9 name of the bank right here in front of me. But they
10 basically fund without the obligation necessarily to pay
11 back this money. And so the utilities have a lot of
12 incentive to go along with this program because they're
13 going to get all of this money. That's one thing we
14 were exposing in the white paper. And then the other
15 thing, we did talk about the health effects. We talked
16 about the violations of law, which there's just so many,
17 so many violations. The Constitution is being violated
18 by smart meters for many, the privacy in the home.
19 That's a big Fourth Amendment violation, you know.

20 JUDGE JACOBS: So let's talk about the white
21 paper. I'm sorry, Ms. Barris. I apologize.

22 THE WITNESS: That's in the white paper.

23 JUDGE JACOBS: I just want to go back to the
24 white paper, because I believe Ms. Edwards had included
25 that in some documents she wanted to offer to the

1 Commission; is that right, ma'am?

2 THE WITNESS: That is in the white paper.

3 JUDGE JACOBS: Ms. Barris, I'm addressing Ms.
4 Edwards at the moment. We're addressing a document that
5 she submitted.

6 MS. EDWARDS: Yes, I don't remember what I
7 have two or three pages I believe that are from the
8 white paper. They're not in front of me right at this
9 moment. Yes, I did address and I believe the name of
10 her white paper was Legal, Constitutional Other
11 Violations, something to that effect.

12 THE WITNESS: Legal, Constitutional and Human
13 Rights Violations of Smart Meters and Smart Grid.

14 JUDGE JACOBS: Thank you, Ms. Barris. I'm
15 going to address Ms. Edwards at the moment to see if
16 she's offering this document on the record.

17 MS. EDWARDS: Yes, I would like to offer this
18 on the record, Your Honor.

19 JUDGE JACOBS: I believe that Staff's list had
20 this as Exhibit 7.

21 MS. EDWARDS: Yes, that is Exhibit 7.

22 JUDGE JACOBS: This document right here?

23 MS. EDWARDS: Yes.

24 JUDGE JACOBS: Okay. So Ms. Barris, how long
25 is the white paper?

1 THE WITNESS: You know, it is a couple hundred
2 pages. Little under 300 I'd say, 250, but you can just
3 look at the table of contents and just go to whatever
4 section you'd like to look at.

5 JUDGE JACOBS: Ms. Edwards, what you've
6 offered here is a cover page it looks like and two
7 pages. Do you want to explain what it is that you've
8 submitted?

9 MS. EDWARDS: Yes. Let me see. That's No. 7.

10 JUDGE JACOBS: I think you marked this as F,
11 ma'am.

12 MS. EDWARDS: Thank you. Okay.

13 BY MS. EDWARDS:

14 Q. Liz, the first page I have is your cover page
15 which gives your information entitled Legal,
16 Constitutional and Human Rights Violations of Smart Grid
17 and Smart Meters, and page 2 of this of my exhibit
18 addresses the Fourteenth Amendment.

19 JUDGE JACOBS: So I'm sorry, Ms. Edwards. I
20 was hoping you would address the Commission at this
21 point. Just explain how you put this together.

22 MS. EDWARDS: I'm so sorry. How I put this
23 together doing much research over the past year. Number
24 one, a year, 14 months ago the term smart meter wasn't
25 even in my vernacular. I had no clue. So when I

1 started having problems after discovering that I was
2 having problems and didn't know why, I started
3 researching and I came across some of the information in
4 here.

5 JUDGE JACOBS: So the two pages that you
6 presented to the Commission, how did you generate those?

7 MS. EDWARDS: I copied them from the site on
8 the internet.

9 JUDGE JACOBS: So Ms. Barris has told us the
10 white paper is 2 to 300 pages long.

11 MS. EDWARDS: Yes.

12 JUDGE JACOBS: And what you've offered is some
13 passages that you selected out of that.

14 MS. EDWARDS: That's correct.

15 JUDGE JACOBS: Is that right?

16 MS. EDWARDS: That's correct.

17 JUDGE JACOBS: Okay. So are you offering this
18 on the record, ma'am?

19 MS. EDWARDS: Yes, this will be on the record.

20 JUDGE JACOBS: Does anyone have any objection
21 to this exhibit being included in the record?

22 MR. STEINER: Your Honor, there doesn't appear
23 to be foundation for this. The front page says it's
24 been written by various individuals including Ms.
25 Barris. We don't know if Ms. Barris wrote the pages

1 that are being offered.

2 JUDGE JACOBS: I'm going to allow this into
3 the record for purposes of showing the Commission the
4 information that Ms. Edwards has been consulting in this
5 process.

6 MS. EDWARDS: Thank you.

7 (COMPLAINANT'S EXHIBIT 7 WAS RECEIVED INTO
8 EVIDENCE AND MADE A PART OF THIS RECORD.)

9 BY MS. EDWARDS:

10 Q. On page 2 of my exhibit, Liz, and I don't know
11 what pages these came, but addressed here and
12 highlighted are the Fourteenth Amendment. Second
13 paragraph is nor shall private property be taken for
14 public use without just compensation. The third
15 paragraph begins with smart grid violates ADA and the
16 fourth paragraph talks about smart meters and smart grid
17 violate FCC rules and regulation on interference. So
18 could you expand on these a little bit, please?

19 A. Yeah. You've read a few things here. Do you
20 want to just go one at a time?

21 Q. Sure.

22 JUDGE JACOBS: I think we've already covered
23 here that if we're going to be making a legal argument
24 about the application of specific statutes or federal
25 law that you can do that in a brief and that this

1 particular witness is not going to be able to help the
2 Commission on those issues.

3 MS. EDWARDS: Okay. All right.

4 JUDGE JACOBS: So I think we need to wrap up
5 Ms. Barris' direct testimony. So do you have any more
6 questions for her that she can address in her experience
7 and expertise?

8 BY MS. EDWARDS:

9 Q. Liz, did you have any experience or
10 interaction regarding the Energy Policy Act of 2005?

11 A. Yes, I did. I think it's 2007 or 9 -- anyway,
12 it might have been 2005. But that is the act that -- I
13 believe that is the act that provided the funding for
14 the program and gave the financial incentive for the
15 utilities to install these smart meters. And that was
16 my big problem with that act.

17 Q. Did any -- You said when you moved into your
18 home it already had a smart meter on it, right?

19 A. Yes. Well, I call it a smart meter, but it
20 was like a cousin of a smart meter. It doesn't matter
21 what you call it if it's a radiation emitting, a pulse
22 microwave radiating emitting device it can cause these
23 health problems that I experienced. So this was
24 actually prior to the official roll out of smart meters.
25 This house had a -- it was an AMI, AMR bubble up, one of

1 those meters that they call, you know, it's in the
2 family of smart meters. It wasn't hooked up to the
3 grid, the smart grid at that time yet because that roll
4 out was still yet to happen. It happened shortly after
5 I moved into that house. It might have been just a
6 straight up smart meter. But it was a wireless
7 radiation emitting meter and it was different than the
8 old hard-wired analog meters, which I'd never paid any
9 mind to at all because I never had any problems with
10 them. It was just as damaging as a regular smart meter.
11 Possibly more. Who knows. Maybe less. I don't know.
12 But they all, you know, emit pulse microwave radiation.
13 That's why I was getting health effects from it.

14 Q. Did the utility company ever -- Did you ever
15 offer or request that smart meter being put in?

16 A. No. It was there when I moved in. I just
17 didn't know that.

18 Q. I just wanted to clarify that.

19 A. Yeah.

20 MS. EDWARDS: I don't think I have anything
21 else. Is there anything else that my witness might like
22 to say?

23 THE WITNESS: Is there anything else I'd like
24 to say? Yeah, I just hope that, you know, I think this
25 is -- this hearing is so that you can live comfortably

1 in your home and not have to pay the utility to do so.
2 I just hope that they do, you know, do the right thing
3 and act lawfully and not charge you to not be harmed in
4 your own home. That's all.

5 MS. EDWARDS: Thank you.

6 JUDGE JACOBS: Okay. We're going to proceed.
7 Staff, do you have any questions for Ms. Barris?

8 MR. PRINGLE: No questions, Your Honor.

9 JUDGE JACOBS: Thank you so much. Everygy
10 West, did you have any questions for the witness?

11 MR. STEINER: Just a few, Your Honor.

12 CROSS-EXAMINATION BY MR. STEINER:

13 Q. What is your education? Could you list any
14 degrees that you have?

15 A. Yeah. I don't have any degrees. I have some
16 college, but I made a very nice living with my job --

17 Q. Okay. Thank you. That's good.

18 A. -- that I, of course, had to quit.

19 JUDGE JACOBS: Ms. Barris, I apologize for
20 interrupting you. I'm going to ask you to just answer
21 the questions that are asked, because we do have several
22 additional witnesses to hear from today. Okay?
23 Mr. Steiner may have some additional questions. Thank
24 you.

25 THE WITNESS: I don't have any degrees that

1 would qualify for me being I would say doctor, lawyer,
2 none of that. I only attended the Bau Biology
3 Institute.

4 BY MR. STEINER:

5 Q. Yes, we've heard that.

6 A. I took all of the courses on electromagnetic
7 radiation to become an electromagnetic radiation
8 specialist.

9 Q. So you don't have a bachelor's degree in any
10 subject; is that correct?

11 A. No, correct.

12 Q. And what brand and model of smart meter is at
13 Mrs. Edwards' house?

14 A. Oh, she's not shared that with me. I have no
15 idea.

16 Q. Okay. Thank you.

17 A. I have not encountered a smart meter that's
18 not harmful.

19 Q. Thank you. So you have not examined Ms.
20 Edwards or Mrs. Edwards' home; is that correct?

21 A. That is correct. It doesn't matter. If it's
22 a pulse microwave radiation emitting smart meter, it can
23 really damage the person especially if they're sensitive
24 to it going in.

25 Q. Is Ms. Edwards paying you for your testimony

1 today?

2 A. No, sir.

3 Q. I want to ask about Exhibit 7, the white
4 paper. What Congress was that congressional white paper
5 presented to?

6 A. We met with I would say maybe 50 -- we had
7 about almost 60 appointments. We had many, many
8 appointments from senators and congressmen to we met
9 with members of their staff and I think we also met with
10 some actual -- some committees. Some of the attorneys
11 on the committees, we met with them as well.

12 Q. Ms. Barris, where could I find that in the
13 congressional record?

14 A. I have no idea. I'm not familiar with the
15 congressional record. I'm just a citizen who's been
16 harmed. I don't do this professionally like lobby. I
17 don't do any of that professionally.

18 MR. STEINER: I don't have any other
19 questions. Thank you.

20 JUDGE JACOBS: Thank you very much. Now it's
21 possible that we could have questions from the
22 Commission. Looks like we have several Commissioners
23 now on the line. Did any of the Commissioners who are
24 now present want to ask any questions at this point?

25 COMMISSIONER RUPP: This is Commissioner Rupp.

1 I have a question.

2 JUDGE JACOBS: Thank you, sir. Please go
3 ahead.

4 COMMISSIONER RUPP: I think when you were
5 asked what Congress was your white paper presented to, I
6 think he was trying to get like what were the dates, you
7 know, what year frame so if there is anything in the
8 congressional record it could be looked up. What time
9 frame, what year did you do that with the Congress?

10 THE WITNESS: Okay. To my recollection, I
11 think that was -- let me think for a second. I think it
12 was like maybe 2012 or let me just think for a second.
13 It was either -- It was from 2012, somewhere between
14 2012 and 2015, like somewhere in there, probably more
15 like 2012 or '13.

16 COMMISSIONER RUPP: Okay. Thank you.

17 THE WITNESS: Sure.

18 JUDGE JACOBS: Thank you, Commissioner. Any
19 other questions from Commissioners? Okay. So I heard
20 something. It sounded like someone was trying to say
21 something on WebEx.

22 UNIDENTIFIED SPEAKER: I apologize. I don't
23 know how that happened. I had everything on mute. My
24 computer all of a sudden started talking. I just muted
25 it again. I apologize about that.

1 JUDGE JACOBS: Do staff or Everyg, I'm sorry,
2 Mr. Steiner, I keep referring to you as the company. I
3 apologize. It's not very polite. Did you have anything
4 you wanted to ask here to follow up?

5 MR. STEINER: No, Your Honor.

6 JUDGE JACOBS: And staff?

7 MR. PRINGLE: No, Your Honor.

8 COMMISSIONER HOLSMAN: Judge --

9 JUDGE JACOBS: It sounds like, Commissioner
10 Holsman, did you have a question?

11 COMMISSIONER HOLSMAN: I'm going to ask the
12 question to Everyg.

13 JUDGE JACOBS: It sounds like the connection
14 is chopping up a lot on us.

15 COMMISSIONER HOLSMAN: Is this the appropriate
16 time for me to ask Everyg a question about the testimony
17 given?

18 JUDGE JACOBS: Well, I understand that you
19 have short availability this morning. So I think that
20 if you have a question, sir, you can go ahead and ask it
21 now.

22 COMMISSIONER HOLSMAN: Okay. Thank you. My
23 question is if they already have the ability to remove
24 the meter, then what is the process or steps for
25 accomplishing that?

1 MR. STEINER: Yes, we have an opt-out program
2 that's in our tariffs. The customer contacts us.
3 There's an opt-out form that needs to be filled out,
4 which says that we will, because we're going to have to
5 be doing the meter reads manually, that we will always
6 have access to the meter; that the account will remain
7 in good standing; the payment of \$150, which is the fee
8 established by tariff to make the exchange; and once
9 that's done, we can roll the truck and get the non AMI
10 meter to the residence.

11 COMMISSIONER HOLSMAN: Has any of that been
12 petitioned or filed?

13 MR. STEINER: No. Ms. Edwards does not want
14 to be an opt-out customer is my understanding.

15 MS. EDWARDS: May I address that?

16 JUDGE JACOBS: So Commissioner Holsman, Ms.
17 Edwards would like to answer your question as well. I'm
18 going to let her go ahead and do that.

19 MS. EDWARDS: Number one, the opt-out program
20 that they offered me, I was never offered an opt-in
21 program. And according to the 2005 Policy Act, it is
22 supposed to be at customer request that I -- and I have
23 never requested a meter. It was put in without my
24 informed consent or without my knowledge. They also as
25 a condition of trying to get this removed from my home,

1 Everygy insists, and this is from about three different
2 sources in Everygy's employee, insists that I give up my
3 legal and civil rights.

4 JUDGE JACOBS: Please turn on your mike.

5 MS. EDWARDS: I'm sorry. I'm so sorry. Can
6 you hear me, Commissioner?

7 COMMISSIONER HOLSMAN: Yes, I can.

8 MS. EDWARDS: Okay. Did you hear what I said?

9 COMMISSIONER HOLSMAN: Yes, I did. I just
10 have the question, have you filed to opt out --

11 MS. EDWARDS: Okay. And I --

12 JUDGE JACOBS: Commissioner Holsman, could you
13 repeat your question?

14 COMMISSIONER HOLSMAN: Yes. Just yes or no.
15 Have you requested and filled out the process to opt out
16 to have the meter removed from your house?

17 MS. EDWARDS: Commissioner, I cannot sign that
18 because I will not give up my civil rights and my legal
19 rights, and they have refused on numerous occasions to
20 take it out of there unless I sign that. I feel that is
21 extortive. They also would not allow me a payment plan
22 unless I signed -- unless I kept the smart meter. I
23 feel the whole thing is very extortive, and I'm not
24 giving up my constitutionally protected legal rights for
25 any reason. I think that is a very unfair practice.

1 JUDGE JACOBS: Commissioner Holsman, did you
2 have any additional questions at this point?

3 COMMISSIONER HOLSMAN: That suffices. Thank
4 you very much.

5 JUDGE JACOBS: Thank you very much, sir.

6 MR. STEINER: Could I address the allegation?

7 JUDGE JACOBS: So I believe that that issue is
8 going to be -- we'll get into that today. So what I
9 don't want to do is get extremely sidelined at this
10 point. So I will make sure that you have a chance to
11 address that. So where we were is we were wrapping
12 things up with Ms. Barris. Did you have any need to
13 readdress anything with her after her additional
14 comments?

15 MS. EDWARDS: I don't believe so.

16 JUDGE JACOBS: Ms. Barris, thank you very much
17 for your testimony today. You are excused at this time,
18 ma'am.

19 MS. EDWARDS: Thank you.

20 (Witness excused.)

21 THE WITNESS: May I stay on the line as long
22 as I can just to listen?

23 MS. EDWARDS: I'm sorry?

24 JUDGE JACOBS: I would ask that you at least
25 keep your line muted and you refrain from any sort of

1 interruption of any kind.

2 THE WITNESS: Absolutely. How do I mute the
3 phone?

4 JUDGE JACOBS: I don't know. If you can't
5 figure out how to mute the phone, you will not be able
6 to remain on the line, ma'am. This is not a public
7 hearing at this time.

8 THE WITNESS: Okay. Then I'll just hang up.
9 All right. Thank you.

10 (Witness excused.)

11 JUDGE JACOBS: Okay. So is everyone okay to
12 proceed to our next witness?

13 MS. EDWARDS: Yes.

14 JUDGE JACOBS: All right. So the next person
15 you had listed was Charles Bott; is that right?

16 MS. EDWARDS: That's correct.

17 JUDGE JACOBS: And I don't believe there's a
18 Charles Bott in the room here. Is there a Mr. Charles
19 Bott on the line on the phone today?

20 MR. BOTT: Yes, I'm here.

21 JUDGE JACOBS: Okay. So sir, would you please
22 --

23 (Witness sworn.)

24 JUDGE JACOBS: Could you please state your
25 full name and spell it for the record?

1 THE WITNESS: Charles Bott, C-h-a-r-l-e-s
2 B-o-t-t.

3 JUDGE JACOBS: Could you please state your
4 address, sir?

5 THE WITNESS: 14708 South Miller, Lone Jack,
6 Missouri.

7 JUDGE JACOBS: Okay. You can proceed with
8 your witness, ma'am.

9 CHARLES BOTT,
10 called as a witness on behalf of the Complainant, being
11 sworn, testified as follows:

12 DIRECT EXAMINATION BY MS. EDWARDS:

13 Q. Okay. Chuck, can you tell the Court what your
14 relationship is to me?

15 A. Say that one more time.

16 Q. What is your relationship to me?

17 A. She's my mother. Barbara Edwards is my
18 mother.

19 Q. And you are presently living at my home; is
20 that correct?

21 A. Yes, yes, I am.

22 Q. And this has been pretty much through the
23 corona virus situation?

24 A. Yes.

25 Q. Are you aware of some of the symptoms I've had

1 and what my sleeping arrangements have been?

2 A. Absolutely.

3 Q. Can you describe where I normally sleep at
4 night to keep away from the radiation?

5 A. She's been sleeping on the couch for a long
6 time.

7 Q. So you would say that that's the better part
8 of almost 14 months?

9 A. Yes, she has.

10 JUDGE JACOBS: You can slide the microphone a
11 little to the side.

12 MS. EDWARDS: Is that better?

13 JUDGE JACOBS: Yeah.

14 MS. EDWARDS: Thank you.

15 BY MS. EDWARDS:

16 Q. Tell me have you had any experiences yourself
17 while in my home with any radiation?

18 A. Yes. I admit as soon as I walk in I can hear
19 it.

20 Q. Can you describe what it is that you hear?

21 A. It's a high pitched sound in my ear, both
22 ears.

23 Q. This is all the time you're in the house; is
24 that correct?

25 A. Yes.

1 Q. And have you gone around the house with a
2 meter that shows what the EMF readings are?

3 A. Yes, I have.

4 Q. You've done that. Can you just elaborate a
5 little bit more on what you have observed?

6 A. The readings were astronomical basically.

7 JUDGE JACOBS: So Mr. Bott --

8 THE WITNESS: That's all through the house but
9 especially in her bedroom.

10 JUDGE JACOBS: Mr. Bott, I'm going --

11 THE WITNESS: Because the meter is right on
12 her bedroom wall. Yes, ma'am.

13 JUDGE JACOBS: I'm going to interrupt for a
14 minute and ask you to explain what device you were using
15 when you're doing that.

16 THE WITNESS: It's just an EMF meter, measures
17 the electromagnetic fields.

18 JUDGE JACOBS: Can you tell us what that would
19 typically be used for?

20 THE WITNESS: Reading electromagnetic fields.

21 JUDGE JACOBS: Is that equipment that you're
22 familiar with for some other reason or did you go seek
23 it out for your mother's benefit?

24 THE WITNESS: I actually was looking into it
25 before she even got a meter on her house, because where

1 I used to live I was hearing the same thing and didn't
2 know why. It had a smart meter on that house also.

3 JUDGE JACOBS: I'm sorry. I don't know if I
4 understood your answer. Did you say that before your
5 mother started experiencing symptoms you had sought out
6 a device like this?

7 THE WITNESS: I lived somewhere else that had
8 a smart meter on the house and I could hear it and I
9 didn't know what I was hearing.

10 JUDGE JACOBS: Mr. Bott, you're not here, but
11 there's a court reporter who's writing -- trying to make
12 a record of what everyone says. So please wait until
13 the question is finished before responding.

14 THE WITNESS: Okay.

15 JUDGE JACOBS: Okay. So now I had asked you
16 how you came to get such a device and you told me that
17 you were interested in this issue because of an
18 experience you had at your own residence. Could you
19 just explain when that happened in relation to your
20 mother's complaints?

21 THE WITNESS: It's probably been two years ago
22 when I looked into it.

23 JUDGE JACOBS: Did you look into it before or
24 after your mother had complained of problems?

25 THE WITNESS: Before.

1 JUDGE JACOBS: Okay. I apologize for
2 interrupting. Ms. Edwards, you can proceed. Thank you.

3 MS. EDWARDS: Thank you.

4 BY MS. EDWARDS:

5 Q. Chuck, I don't remember. Did you do any
6 readings around the fan of the stove at all in the
7 kitchen?

8 A. I didn't hear the question.

9 Q. Did you do any readings around the fan above
10 my stove at my electric stove in the kitchen?

11 A. Yes, I did.

12 Q. And what did you find there?

13 A. They were high.

14 Q. And you went around the entire house, as I
15 recall, several times?

16 A. Yes, I did.

17 Q. Did you see a pattern at all?

18 A. Not a pattern but it was just, you know,
19 pretty much in the entire house I would get high
20 readings.

21 Q. So I spend a lot of time outside to try to get
22 away from it. And you have a son who suffers from
23 epilepsy, my grandson, correct?

24 A. Yes, I do.

25 Q. And he needs to be very, very careful about

1 this sort of thing, doesn't he?

2 A. Yes.

3 Q. He has extremely bad seizures, right?

4 A. Yes, he does.

5 Q. So do you feel that these may have been
6 contributing to his situation?

7 A. I'm not sure. They can't be helpful I don't
8 think.

9 Q. All right. Is there anything else that you
10 would like to add?

11 A. No, not really. I think the smart meter is
12 detrimental to the people's health. That's what I
13 think.

14 MS. EDWARDS: Thank you.

15 JUDGE JACOBS: Okay. Mr. Pringle, do you have
16 any questions for Mr. Bott?

17 MR. PRINGLE: Yes, Judge.

18 CROSS-EXAMINATION BY MR. PRINGLE:

19 Q. Good morning, Mr. Bott. This is Travis
20 Pringle from the Staff Counsel Department at the Public
21 Service Commission. I just have one question for you.
22 I couldn't quite hear how long exactly have you lived
23 with your mother, Ms. Edwards?

24 A. Right after the COVID-19 came out. So March,
25 February or March, around there, maybe a little longer.

1 Q. So February or March?

2 A. I travel. So I travel. I'm actually in
3 Chicago right now.

4 Q. And Mr. Bott, were you there when the new
5 meter was installed?

6 A. No, I was not.

7 MR. PRINGLE: Thank you, Mr. Bott. No further
8 questions.

9 THE WITNESS: Okay.

10 JUDGE JACOBS: Mr. Steiner.

11 CROSS-EXAMINATION BY MR. STEINER:

12 Q. Hello, Mr. Bott. Could you give us your
13 educational background, please?

14 A. High school graduate, some college, United
15 States military, honorable discharge. I'm a certified
16 radon mitigator. That's about it.

17 Q. Thank you. Do you have any training on the
18 reading of an EMF meter?

19 A. No, just what I read, you know.

20 Q. What type of EMF signal meter were you using
21 when you measured your mom's house?

22 A. Just the one off of my telephone that you can
23 download.

24 Q. Okay. And I believe you testified that the
25 readings were high. Could you give us --

1 A. Yes.

2 Q. -- what the numerical -- what does high mean
3 number wise?

4 A. Well, the meters that I was using it was well
5 over 200.

6 Q. 200 what?

7 A. Not constantly but it would pulse, go up and
8 down.

9 Q. What does the 200 relate to, Mr. Bott?

10 A. On how much EMF it's pushing I guess.

11 Q. Is there a value that relates to?

12 A. I'm not sure what they call it. Pardon me.

13 Q. Not sure what they call it?

14 A. I'm not exactly sure what the name of it is.

15 Q. Okay. Thank you. Mr. Bott, do you use a cell
16 phone?

17 A. Yes, I do.

18 Q. Do you have that cell phone with you in your
19 house when you're currently living with your mom?

20 A. Yes.

21 Q. How many cell phones do you have?

22 A. How many cell phones do I have?

23 Q. Yes.

24 A. I have mine. Just the one.

25 Q. And are there other cell phones in the

1 household where you live now?

2 A. Yes.

3 Q. How many are there?

4 A. I think a total of three.

5 Q. Are there any land line cordless phones in the
6 house?

7 A. Yes, there are.

8 Q. How many?

9 A. Two.

10 Q. Does the house have an automatic garage door
11 opener?

12 A. Yes, it does.

13 Q. How many?

14 A. One.

15 Q. Is there a wi-fi router at the house?

16 A. No, there isn't.

17 Q. Is there a baby monitor at the house?

18 A. Nope.

19 MR. STEINER: Thank you. That's all I have.

20 THE WITNESS: Thanks.

21 JUDGE JACOBS: Thank you. I'm going to see
22 now if any of our Commissioners have any questions for
23 Mr. Bott. I don't see any. At this point, I do have a
24 question.

25 QUESTIONS BY JUDGE JACOBS:

1 Q. Mr. Bott, you indicated you're currently
2 residing at your mother's home?

3 A. Yes.

4 Q. Okay. Are you experiencing any physical
5 symptoms that you attribute to the smart meter?

6 A. Just the ringing in my ears that I know of.

7 JUDGE JACOBS: Okay. Did staff want to ask
8 any further questions?

9 MR. PRINGLE: Nothing further from staff,
10 Judge.

11 JUDGE JACOBS: And Mr. Steiner?

12 MR. STEINER: No, Your Honor.

13 JUDGE JACOBS: We heard some additional
14 testimony from Mr. Bott. Ms. Edwards, do you have
15 anything in addition you wanted to ask to clarify any of
16 the questions that were asked to him?

17 MS. EDWARDS: I don't think so at this time.
18 Chuck, do you have anything else you would like to add?

19 JUDGE JACOBS: So we're not going to do the
20 general let witnesses elaborate at the end of their
21 testimony. Okay? We won't continue to ask that
22 question. Thank you very much, Mr. Bott. You're
23 excused.

24 MS. EDWARDS: Thank you.

25 (Witness excused.)

1 MR. STEINER: Your Honor, did you swear that
2 witness?

3 JUDGE JACOBS: I did.

4 MR. STEINER: Thank you. Sorry.

5 JUDGE JACOBS: But I appreciate you having my
6 back, although a little earlier would be helpful.

7 MR. STEINER: Exactly. It's not really that
8 helpful.

9 JUDGE JACOBS: Okay. So I think we can go
10 ahead with Nancy Trosper. I believe that was the next
11 witness that you had.

12 MS. EDWARDS: That's correct. Thank you, Your
13 Honor.

14 JUDGE JACOBS: Do we have an individual by the
15 name of Nancy Trosper on the line?

16 THE WITNESS: Yes, I'm here.

17 JUDGE JACOBS: Thank you very much, ma'am.
18 First of all, I'm going to swear you in.

19 (Witness sworn.)

20 JUDGE JACOBS: Thank you very much. Could you
21 state your name for the record, please, and spell it?

22 THE WITNESS: Nancy Trosper, N-a-n-c-y
23 T-r-o-s-p-e-r.

24 JUDGE JACOBS: Thank you, ma'am. Could you
25 please provide your address?

1 THE WITNESS: 9585 Trotter Circle, Colorado
2 Springs, Colorado 80908.

3 JUDGE JACOBS: Okay. Ms. Edwards, you can
4 proceed with your witness.

5 MS. EDWARDS: Thank you.

6 NANCY TROSPER,
7 called as a witness on behalf of the Complainant, being
8 sworn, testified as follows:

9 DIRECT EXAMINATION BY MS. EDWARDS:

10 Q. Nancy, you came to visit me early in July of
11 2019. Do you remember that?

12 A. Yes, I do.

13 Q. Can you please tell the Court what some of the
14 comments that I made when you came to visit me at that
15 particular vacation?

16 A. Yes. You had been concerned because you had
17 been having extremely bad headaches and nausea and you
18 didn't understand why. You have never really had a
19 problem with headaches before or nausea and you didn't
20 understand what was wrong and the complaint about the
21 severity of them and that they would just kind of come
22 and hit you and you had no idea why you were getting the
23 headaches and feeling nauseous. So we talked about
24 that. And you had been out of the home for a period of
25 time. I'm not sure how long you'd been gone. I think

1 maybe a couple weeks or so. And the headaches did not
2 start until you came back into your home. This was
3 before you realized I think that there was a smart meter
4 put on your home. Our discussions really kind of
5 centered around why you were feeling so bad when you had
6 been feeling so healthy before that.

7 Q. Did I maybe a couple weeks later reiterate
8 anything that I had talked to my pastor at church when
9 he asked how I was feeling? Do you remember that at
10 all?

11 A. Yes, I do. When I had returned home, it was
12 maybe two or three weeks I think after I had returned
13 home. I spoke with you and you had been -- you had
14 informed me that you had been talking with your pastor
15 about having been feeling very nauseous and headaches
16 and very, very ill and didn't know why. And you had
17 reiterated to me that you had spoken with your pastor
18 and he had asked you if you had a smart meter. And that
19 was my understanding when you started investigating to
20 see if that might have been the cause of your feeling so
21 bad.

22 Q. And did I tell you that I was sleeping in my
23 living room because I was afraid to sleep in my bedroom
24 at that point?

25 A. Yes. As a matter of fact, you did. You had

1 explained that when you had found out about the smart
2 meter that it was just on the other side of where your
3 bed sits in your bedroom, it was on the side of the
4 house next to your bed within feet and that you had
5 started sleeping on the couch which is across the house
6 a little bit but still within proximity because of the
7 layout of the house. But from my understanding, that
8 was July of last year and you have slept on the couch
9 non stop since when you found out that there was a smart
10 meter that you have not returned to your bedroom.

11 Q. Did I ever mention anything to you about
12 insomnia for hours and hours at a time?

13 A. Say that again.

14 Q. Did I ever mention to you about me suffering
15 from insomnia or extreme fatigue at times?

16 A. Oh, yes, yes, you did. You talked about that
17 and you wondered if that had been related to that as
18 well. And I'm considerably younger than you and you
19 have always been extremely healthy. You've never had
20 headaches that you've complained of. You've been
21 blessed with that. And I was concerned because all of a
22 sudden you started having all of these symptoms that
23 could not be explained and the insomnia and the lack of
24 energy was in there as well.

25 Q. Did I ever mention to you that I was having

1 trouble finding a physician in the Kansas City area who
2 knew anything about EMFs, the electromagnetic fields?

3 A. Yes, and I know that you had mentioned, I'm
4 not sure which doctor it was that you talked to, but I
5 know that, I think it was a she that you were referring
6 to, was concerned that it might be related to some kind
7 of the radiation pulses, but I don't know how far she
8 went with that. I don't know. I don't remember the
9 rest of that conversation of what she had told you.

10 Q. So to your knowledge, all these 14 months I've
11 been sleeping in my living room?

12 A. Yes. And when I visited again in November,
13 you were still sleeping on the couch because I ended up
14 asking you about that and you had not returned to your
15 bedroom. And after talking with you as we do, we talk
16 often, you have never returned to the bedroom because of
17 the concerns on that being right next to your head.

18 Q. Did I ever mention to you that on my first,
19 actually several times that when I talked with the
20 Everygy, that I told them that this was within 6 inches
21 of my head?

22 A. Yes, yes, you did. My understanding is -- I
23 know you're on social security and a limited income, and
24 what I understand is that in order to opt out, if you
25 have that choice, it would be kind of cost prohibitive

1 for you to afford that.

2 Q. Yes, it would be. Are there any other things
3 that come to mind that might be helpful to this court?

4 A. The only -- I guess the only thing that I can
5 say is that from doing kind of some research after that
6 happened with you, I've been trying to research on my
7 own about smart meters and I have not gone as far as
8 your research on them but I am very concerned about the
9 health impact that it has on us, and it's my personal
10 belief that our rights are being violated. I agree with
11 you on that. But I also feel like if we have medical
12 concerns, if we are having reactions to it, our safety,
13 I do not believe that we should be being charged and
14 penalized. And I believe that the opt-out program
15 should be honored without causing us financial hardship.

16 MS. EDWARDS: Thank you.

17 JUDGE JACOBS: Ms. Trosper, I'm just going to
18 ask you to explain to the Commission your relationship
19 with Ms. Edwards, please.

20 THE WITNESS: I am Barbara Edwards' sister.

21 JUDGE JACOBS: Thank you very much. Ms.
22 Edwards, were those all your questions?

23 MS. EDWARDS: I believe so, Your Honor.

24 JUDGE JACOBS: Does staff have any questions
25 to ask?

1 MR. PRINGLE: Yes, Your Honor.

2 CROSS-EXAMINATION BY MR. PRINGLE:

3 Q. Good morning, Ms. Trosper. I'm Travis
4 Pringle. I'm Associate Counsel with the Public Service
5 Commission. You began your testimony talking about how
6 you discussed Ms. Edwards' headaches and nausea with her
7 and you were attempting to see what was wrong with her.
8 What's your background in being able to diagnose Ms.
9 Edwards' ailments?

10 A. I am not qualified to diagnose ailments. I am
11 just repeating the conversation that we had.

12 Q. Okay.

13 A. What she told me and what her symptoms were.

14 Q. Thank you, Ms. Trosper. And you also spoke
15 about a conversation Ms. Edwards had with her pastor.
16 Have you spoken to that pastor?

17 A. No. I visited the church before with the
18 pastor, but I was not involved in that conversation. It
19 was I am relaying a conversation that we had over the
20 phone that she had with her pastor after church on a
21 Sunday.

22 Q. Thank you, Ms. Trosper. You also spoke about
23 how you believe that there should not be a charge for
24 the opt-out. Have you ever reviewed Everygy's opt-out
25 tariff?

1 A. I have not reviewed Missouri's, no.

2 Q. Have you reviewed Evergy West?

3 A. No, I do not live in that part of the country.

4 MR. PRINGLE: Thank you, Ms. Trosper.

5 THE WITNESS: I'm only familiar with
6 Colorado's.

7 MR. PRINGLE: Thank you, Ms. Trosper. That's
8 all I have.

9 JUDGE JACOBS: Mr. Steiner.

10 MR. STEINER: Yes.

11 CROSS-EXAMINATION BY MR. STEINER:

12 Q. Ms. Trosper, have you ever seen the
13 complainant's smart meter?

14 A. No, I have not.

15 Q. And your house in Colorado, are you served by
16 a smart meter?

17 A. I have not been upgraded to the latest smart
18 meter, no.

19 Q. That really wasn't my question. Are you
20 served by an AMI meter that sends your usage information
21 over the air?

22 A. I am not sure.

23 MR. STEINER: Okay. Thank you. That's all I
24 have. Thank you.

25 JUDGE JACOBS: Do any members of the

1 Commission have any questions at this point for Ms.
2 Trosper? I do have some questions myself. So if any
3 Commissioners want to chime in after this, there will be
4 time for that.

5 QUESTIONS BY JUDGE JACOBS:

6 Q. Ms. Trosper, you indicated that you visited
7 with Ms. Edwards in July of 2019; is that right?

8 A. Yes, that's correct.

9 Q. And you were coming from Colorado for that
10 visit?

11 A. Yes.

12 Q. Do you recall what dates you visited?

13 A. It was the first week in July and that would
14 have been probably 2nd, 3rd, 4th, 5th, 6th, somewhere in
15 there. I was there for several days.

16 Q. Okay. Thank you. And then you came back out
17 in November of 2019; is that right?

18 A. I did.

19 Q. Do you know when you visited in November?

20 A. I don't have the dates handy. I believe it
21 was mid November.

22 Q. Were you there for Thanksgiving or before
23 Thanksgiving?

24 A. I think it was before Thanksgiving.

25 JUDGE JACOBS: Those were the only questions

1 that I had. I haven't heard from Commissioners. Looks
2 like if staff has any additional questions they could go
3 ahead.

4 MR. PRINGLE: Nothing further, Your Honor,
5 thank you.

6 JUDGE JACOBS: And Mr. Steiner has nothing?

7 MR. STEINER: I have none.

8 JUDGE JACOBS: Thank you. All right. So did
9 we bring up any new points you wanted to address with
10 Ms. Trosper or are you done, Ms. Edwards?

11 MS. EDWARDS: I think we're finished. Thank
12 you, Nancy.

13 JUDGE JACOBS: Okay, Ms. Trosper, thank you
14 very much for your testimony today. You're excused.

15 THE WITNESS: Okay. You're welcome.

16 (Witness excused.)

17 JUDGE JACOBS: Okay. That brings us around to
18 Ms. Edwards' testimony. Is everyone in the room ready
19 to proceed with that today? It looks like we are.

20 Ms. Edwards, I imagine you want to stay right
21 where you are?

22 MS. EDWARDS: Yes, thank you.

23 JUDGE JACOBS: You've already been sworn in.

24 MS. EDWARDS: And I don't know, I think I may
25 have been remiss. I would like to thank the entire

1 staff of the Missouri Public Service. Everyone has been
2 very helpful as I'm going through this process since I
3 am not used to doing this. And we did get my entire
4 file of February 4 entered into today's hearing, right;
5 is that correct, Judge Jacobs?

6 JUDGE JACOBS: So no, that is not officially
7 on the record at this time. And I want to make sure
8 that you understand that at this point in this case
9 you've had a complaint that was filed, which is a number
10 of documents and then some things that were attached to
11 that.

12 MS. EDWARDS: Right.

13 JUDGE JACOBS: Okay. So if you have any
14 questions about what that was and what that entailed, we
15 can address that so that you understand what is in the
16 file and then what you would like to offer to be part of
17 the record for the Commission's decision.

18 MS. EDWARDS: I spoke with Mr. Pringle and he
19 said, and I believe it shows somewhere on the exhibits,
20 that I wanted the entire file of February 14 which
21 included my two letters to Kansas City Power & Light and
22 then to Everyg and to the Commission.

23 JUDGE JACOBS: So this is what I'm going to
24 recommend that we do. I think we should proceed with
25 your testimony and then at the end of your testimony we

1 can go into this probably rather tedious discussion of
2 the individual documents. That will allow whatever
3 members of the Commission are still with us to remain
4 and hear your testimony and then perhaps if they need to
5 go and do something else they might do that while we
6 discuss that part of the case. Is that acceptable to
7 you?

8 MS. EDWARDS: Yes.

9 JUDGE JACOBS: Okay. Because I think what
10 everyone would like to hear right now is your testimony
11 about what has happened. Okay? Are you ready to do
12 that?

13 MS. EDWARDS: I am. Thank you. First of all,
14 I would like to say I have been a customer of Kansas
15 City Power & Light/Evergy for probably 33 years. And
16 other than a few misunderstandings between the utility
17 and myself about the fact that I had a gate, I used to
18 have animals, livestock on my property, so I've always
19 had a locked gate. I've only ever asked Evergy to just
20 please honk at the gate or call me. They always had my
21 phone number. I've talked with the meter readers many
22 times. Because since I do live alone, it is rural, I am
23 concerned for my safety.

24 One time we had a situation where I saw
25 someone climbing over my gate leaving my property. I

1 didn't know whether they were out in the barn robbing
2 something. So I did make a call. I said wait a minute,
3 just let me know. You're trespassing. I thought it's a
4 good thing I didn't have a shotgun out there because I
5 was really frightened. So I've not had a problem with
6 the meter readers.

7 From some of the answers that I've gotten back
8 to me from the respondent's responses, it kind of looks
9 like I've been a deadbeat, I don't pay my bills, I don't
10 read my meter. That is not accurate. I have been
11 reading my meters for the better part of 23 years.
12 About once a year the utility comes out and reads the
13 meter to make sure that everything is copasetic.

14 I'll go through a little bit later the
15 disputes I have on some of the answers. I pay my bills.
16 And it doesn't take rocket science to read a meter. A
17 third grader could do it if they could reach it. I have
18 always been willing to read my meters so as not to have
19 to have them come over the gate. They have always had
20 permission to come over that gate. Once I found out it
21 was them that was coming over the gate, I was like
22 that's fine if you're reading the meter, just let me
23 know.

24 Again, I feel like I've been deprived of my
25 property with not being able to use my property

1 properly. I think I have constitutional rights. Again,
2 my deprivation of my private airspace, which is
3 constitutionally provided to me. I'm tired of being
4 assaulted daily by 24/7 electromagnetic fields going
5 onto my property, into my home, and into my body.

6 Mr. Steiner asked about cell phones a little
7 while ago and garage door openers. I can turn off a
8 cell phone and I do. I do not sleep with a cell phone
9 in my bedroom. I usually put it in a faraday cage in
10 another part of the house. I can turn off my garage.
11 It's not working all the time.

12 I cannot turn off the pulses of the
13 electromagnetic fields that are coming into my body. I
14 can't feel them. That doesn't mean there's not damage
15 done. I unplug most things in my house or I use a power
16 cord. I don't leave a toaster plugged in. I don't
17 leave a coffee pot plugged in. I don't use my washer or
18 dryer if I'm not going to be home and be available to
19 turn it off. Because of the symptoms -- Before I knew,
20 again, before I knew, I was on a vacation and I came
21 home and discovered this. And again, I had no clue what
22 a smart meter was. It wasn't until I started really
23 saying I better look into this. I've had nausea,
24 extreme headaches, insomnia, severe fatigue, brain fog,
25 dizziness, drowsy. These occur in the kitchen and I

1 have actually put a small application on my phone. I
2 know they're not the most accurate, but I have gone
3 around my home for all these 14 months usually about at
4 least a couple times a week and I've been taking
5 readings. And they are in I believe it's called
6 microtesla value range. The majority of the readings
7 that I have in many areas of my home have a tendency to
8 possibly be a little on the high side but still what I
9 consider maybe a little bit above normal. There are
10 times when, and particularly in front of my stove.
11 Again, from my research what I have found is that
12 reflective materials have a tendency to give you more
13 EMF field radiation. And that's right at my eye level.

14 Three days or four days ago I went back and
15 picked up a prescription. I had just gone to my
16 ophthalmologist for my yearly checkup. And I've been
17 having trouble with my left eye. I didn't know why. It
18 was getting blurry and I was not able to visualize as
19 well. And my prescription had changed in my left eye
20 considerably. And I remember my ophthalmologist when he
21 came in after I'd had, I believe they call it refraction
22 done, he looked at the results and he kind of did a wow.
23 And I really didn't know what he was talking about.
24 When I went to pick my glasses up, I asked the gal who
25 gave me my glasses, the optometrist, I said I believe

1 what they told me was in my left eye I went from -- I
2 may have this backwards but I believe it was a plus 75
3 to a minus 50 or maybe I have that reversed. I asked
4 what that meant, and I was told that essentially -- I've
5 been nearsighted ever since I was a child. I was told
6 that I have gone from nearsightedness in my left eye to
7 farsightedness. I've never had such an extreme change
8 in my glasses for no reason. Now, I don't know whether
9 this has anything to do with it. From my research, I
10 have found many scientific papers that talk about the
11 eyes are one of the most vulnerable parts of the body,
12 as well as the testes in men, anything that is round.
13 And it's the most -- the softest tissue. I don't know
14 for sure. I have not had a chance to consult with
15 anybody.

16 I have spoken to my long-time internal
17 medicine, Dr. Arvan, Dr. Andrea Arvan. She took a
18 hiatus for a couple years so I had to find another
19 physician. I have spoken to her about the fact that I
20 discovered the smart meter and I've been having these
21 symptoms. And I told her about, oh, I guess it was
22 about six months ago, I said I've been studying about
23 this and if I talk to people, they all look at me like I
24 have brain head. She said I know, Barbara. She said if
25 you were in Europe, because she has a lot of family --

1 MR. STEINER: Your Honor, I'd like to object
2 to what the doctor is going to say as hearsay. It's an
3 out of court statement made by someone other than Ms.
4 Edwards. It's being offered to prove the truth of the
5 matter asserted. I don't believe it's fair to have that
6 testimony in the record if I can't talk to that doctor.

7 JUDGE JACOBS: Okay. So would you like to
8 proceed with your testimony and omit the direct
9 commentary from that particular person who's not here
10 today?

11 MS. EDWARDS: Yes, I'd like to proceed.

12 JUDGE JACOBS: Okay.

13 MS. EDWARDS: So I can't say -- She told this
14 to me, but I can't say that?

15 JUDGE JACOBS: Your testimony is in part
16 relying on the fact that she's a physician. So that's
17 why you'd like to use that to persuade the Commission?

18 MS. EDWARDS: Yes.

19 JUDGE JACOBS: But Mr. Steiner is correct that
20 she is not here. So we can't talk to her about what she
21 bases that statement on.

22 MS. EDWARDS: Right.

23 JUDGE JACOBS: So if you would like to just
24 proceed without including that, you can do that.

25 MS. EDWARDS: Okay.

1 JUDGE JACOBS: I think where you were heading
2 was the idea that there are other countries that have
3 more restrictions or protections.

4 MS. EDWARDS: Yes. I believe it's Russia is
5 one of the countries that is very, very careful about
6 EMF fields for their people. I'm not sure. Two or
7 three other ones where people are very concerned and are
8 beginning to speak up. I think people are slowly
9 learning a little bit about it. I have spoken to other
10 people who have expressed the same thing my son did.

11 One woman I was visiting and a nurse said to
12 me they put a smart meter in our house and my daughters
13 can hear it. I can't hear it but they can. So these
14 are things coming from other people.

15 The symptoms that I've had have been really,
16 really severe at times. I had one particular -- So I
17 never know and I have to go into my bedroom to get my
18 clothes. I go into my bathroom to utilize my bathroom.
19 By Everygy's own specifications, which are here in their
20 exhibits, it clearly says in their specifications from
21 the manufacturer that these smart meters should be a
22 minimum distance of 20 centimeters away from a person.
23 The average wall width in a home is about 4, 4-1/2
24 inches. This is immediately behind my head in my
25 bedroom and it is less than 20 centimeters. It is

1 approximately 6 inches. 20 centimeters equals about
2 7.84 inches. At less than 6 inches, which is just about
3 5-3/4 inches from my head, comes out to about 15.24
4 centimeters. So by their own admission in their
5 exhibit, it's not even a safe distance from my head.
6 And these smart meter electromagnetic waves, or I may if
7 I'm mistaken on some of my vernacular, please excuse me
8 because that's not really my bailiwick. But they are
9 known to go tens of feet into the room. That's just in
10 my bedroom. And there again I'm working at my stove.
11 And I had -- I think once in my bedroom, once or twice
12 when I happened to be, I happened to be there when I was
13 pulsing I presume, I had a meter reading of about 844
14 macrotesla -- microtesla I believe that it is. It was
15 almost off the charts. So whether my meter is something
16 that a radiologist would use, it's still I've had what I
17 consider normal readings and huge readings.

18 My pastor that I spoke about when I -- it was
19 a couple weeks after my sister went home, sometime in
20 that time frame, I went to church one Sunday morning.
21 And I had been on vacation as he knew and asked how I
22 was doing. I mentioned his name is Casey Henry. I told
23 him I didn't know why I was having these headaches and
24 nausea and the dizziness and everything else.

25 The first question out of his mouth was do you

1 have a smart meter. That's when I discovered that I had
2 the smart meter. When I discovered I had the smart
3 meter, I immediately called Evergy. I was upset. I was
4 like what is this, you know. I started doing research.
5 I told them initially I talked to at least three people,
6 and those are again in my notes we can cover a little
7 later, that I wanted it off the house. And I was told
8 they wouldn't do that, they wouldn't move it. I said
9 can you at least move it. That was my initial thing.
10 Because at that point I didn't -- I really didn't know
11 what I was up against. And they refused to move it.
12 They knew from the time I first complained that that was
13 within that short distance. I didn't know what the --
14 at that point I did not know what the requirements of
15 manufacturers were. There was no UL label for, I can't
16 remember what the UL, but it's a standard of safety.

17 Again, in their exhibits in one of the smaller
18 print it indicates that unless it has the UL stamp on it
19 you cannot be sure where it's being made. So it could
20 be made in China, it could be Indonesia, it could be
21 anywhere. Again, I was stonewalled.

22 And I'll go over billing later. I'm sorry.
23 Lights blink in my house that are turned off. Last
24 week, this is the first time this has occurred at least
25 that I've heard it, last week I was sitting there

1 quietly in my living room reading, and normally there
2 might be a TV on or something or a radio that I might be
3 listening to, so it may have been going on for longer,
4 but my lamp, a small table lamp started making a pinging
5 noise. It went on for a few minutes and then it would
6 stop. And then maybe an hour later I heard it again.

7 I actually got up and walked over. What is
8 that pinging sound? I didn't request this meter as
9 dictated by the Energy Policy Act of 2005. I shouldn't
10 be required to pay to have it replaced as I stated in my
11 original correspondence nor should anyone be required to
12 pay an exorbitant fee of \$45 a month to not have Evergy
13 trespass on my constitutionally protected airspace
14 property rights.

15 I do not want any collector boxes, as Ms.
16 Barris has testified to, for neighbors intruding into my
17 private airspace or for them to be using my private
18 airspace for the benefit of a private company. And for
19 them to require me to give up my civil and legal rights
20 as a condition of replacing this AMI or smart meter to
21 an analog meter seems to me to be racketeering, a
22 protection racket by the utility.

23 When I spoke to one of the representatives,
24 these again I looked over some of their testimony and
25 some of the things that were sent in, now, this was

1 early on. When I spoke with one of the representatives
2 about surge protection in the meters because I asked my
3 son who lives in Florida about this.

4 The representative of Evergy told me
5 protection would be available at a cost to me. Wow. I
6 have to pay extra to get safe electricity? I buy
7 electricity. I do not purchase airwaves from them,
8 telecommunications from them. I purchase electricity.
9 They have changed the parameters. I was never notified
10 in advance. I was never asked do I want this. I did
11 not get any postcards. There was no -- They have said
12 they left door hangers. There was no door hanger on my
13 premises. There was nothing. I had no idea.

14 Evergy has their electric pole just -- my
15 house faces east, and about 3 feet I can reach my hand
16 across my fence on my side of the road, they can put an
17 analog meter there. I would be glad to continue reading
18 the meters. I get that. I get that they're trying to
19 keep expenses down. I offered to continue reading the
20 meter except for the one time they have to do it. I
21 don't have a problem with that. I never had a problem
22 with them coming in for regular maintenance.

23 It seems to me that the way Evergy is handling
24 this in such a high-handed manner without any informed
25 consent, with no warnings about radiation, it appears

1 that first and foremost in their sights is possible
2 adverse possession in the future. I believe this is
3 unjust enrichment to Everygy at the expense of people in
4 our state.

5 I feel this is much bigger than just me. It
6 goes to the mother who has an infant child on the other
7 side, maybe 6 inches, 8 inches from that EMF field
8 coming into that baby's room. Then they want to ask \$45
9 from people who maybe can't even afford to buy milk for
10 their children. Again, I think adverse possession is in
11 their minds down the road, because people don't know
12 what to do and therefore some year Everygy is going to
13 say oh, well, you've been letting us do this for all
14 these years, therefore we have an easement here.

15 I checked with the county offices of Jackson
16 County as far as easements. I went through -- We did a
17 title search at the recorder's. There was no -- there's
18 no easement on my property other than the right-of-way
19 at the road. Again, I will be glad to read my own
20 meters. I don't want telecommunications for them -- I
21 mean, to me it's like they're asking me to pay money not
22 to trespass on my private airspace rights.

23 And again, in some of my exhibits here I have
24 a very good example with United States vs. Causby which
25 dates back to 1946 when air travel was in its infancy

1 and everything I've read about the case this man had a
2 small chicken farm where he had laying or hens that laid
3 eggs. And the aircraft was coming in too low over his
4 property. It went to Supreme Court ruling that's never
5 been overturned to this day. As a matter of fact, is
6 quoted in this newest lawsuit with the FCC and I've seen
7 it in other cases. The Supreme Court ruled that
8 Mr. Causby owned his airspace rights and that was total
9 trespass what they were doing, and that's what I feel
10 that they're doing with me.

11 And I certainly hope that the Commission does
12 not feel that it's within the purview of the Commission
13 to give a private company my airspace rights or any
14 other of my property rights to which I'm
15 constitutionally guaranteed against inverse -- I think
16 I'm saying this right, inverse condemnation or taking.

17 I don't like the fact that I'm basically under
18 surveillance 24 hours a day. There are again too many
19 sources out there who talk about the privacy and the
20 surveillance and my Fourth Amendment rights to privacy.
21 Patterns, for them to know, which is becoming a larger
22 and larger problem, I don't want somebody knowing what
23 time I go to bed and what time I wake up. I don't want
24 them knowing I'm not running anything so maybe it's a
25 good time to come in and break into my home. Data sold

1 to third party individuals or companies and police
2 power, I think we are skirting on police power if we do
3 this.

4 I do ask you, Judge, and one of the things
5 when I was reading over some of the rules and
6 regulations that were very kindly sent to me from the
7 Commission, that you have the authority to address
8 things that maybe I haven't -- I apologize -- that you
9 have the availability of guiding me to maybe some areas
10 that I don't know about or to bring something up because
11 I don't know about some of these.

12 If the Commission approves -- oh, by the way,
13 I don't know if this is true or not but one of the
14 answers I did see in their exhibit or in their response
15 was that the smart meters have been approved by the
16 Commission. Is that true? I was a little confused by
17 that answer, because when I initially spoke with one of
18 the staff, I don't remember, Tammy or one of the gals
19 who was investigating my complaint, I was told that the
20 smart meters are not mandatory in Missouri and there is
21 no federal mandate on the smart meters.

22 Again, I ask if the Commission approves what
23 Evergy and others are doing will this be a regulatory
24 taking of individuals and will the state be liable,
25 because should I not -- should we not be able to come to

1 some agreement, I fully intend to take this to federal
2 court. And my children have been told and my attorney
3 has been told that if anything happens to me I want them
4 to go forward with it. I would rather it not be. I
5 would rather our state take the position that we have to
6 protect our citizens, and what is being done I don't
7 believe is in the best interest.

8 I have spoken with a litigator in California,
9 his name is Harry Lehmann, L-e-h-m-a-n-n I believe it's
10 spelled. Through my research I came across his name in
11 a letter that he wrote to the appropriations committee
12 in California in I believe it was 2017. I do have a
13 copy of it here. And he was a litigator who normally
14 represents plaintiffs in cases of physical harm due to
15 cell phones I think at the time. He now is working on a
16 foundation and is working very hard to bring attention
17 to the state of California some of the pitfalls with 5G.

18 I ended up calling him and he was very
19 gracious. As a matter of fact, I mentioned to him at
20 the time that Everygy had refused my correspondence three
21 times that was sent certified. He told me, he said,
22 here's what you do, Barb. Just don't retype the whole
23 thing. He basically typed out what I should send. He
24 said send it priority mail, it will be tracked and
25 you'll know they got it. It will have a time which is

1 what happened.

2 In his letter that I found, when he wrote to
3 the appropriations committee, and this again has to do
4 with cell phone towers but I think it's applicable, and
5 I believe it's applicable to every state in this union.
6 I'm paraphrasing a little obviously. He said to the
7 state appropriations committee I don't know whether the
8 telecommunications people were this smart or it just
9 happened to work out that way, but what they are
10 effectively doing is taking the liability away from the
11 telecommunications company and laying it right here on
12 the state because what will happen when the health
13 issues start reaching portions where people like me are
14 suing with a litigator like me, it will have passed the
15 liability to the state for allowing these things on
16 public rights of ways. And I looked at that and I
17 thought that could be Missouri, because things are
18 coming out of the woodwork, people are becoming more
19 aware. I truly believe our state needs to really be
20 protecting our people.

21 The state of Maine has banned smart meters.
22 The state of New Mexico has banned smart meters.
23 California -- not California, excuse me. Canada a
24 couple of years ago recalled something like 36,000 of
25 them and with orders to I believe it was to take out

1 about another 188,000. They are fire hazards. Again,
2 those -- I have some of that in some of my other
3 material.

4 I believe that Evergy has defaulted and by
5 defaulting by not ever answering me when I know they got
6 my letters and Ms. Katherine Winters who they say now
7 has resigned, admitted to me that they had gotten my
8 letters and I asked her why I was talking to her since
9 she was in customer service.

10 MR. STEINER: I'm going to object again as
11 hearsay.

12 MS. EDWARDS: I cannot -- I cannot get to Ms.
13 Winters. She's retired.

14 JUDGE JACOBS: So that objection will be
15 sustained. So please don't testify as to statements
16 from people who are not here.

17 MS. EDWARDS: I'm sorry, Judge.

18 JUDGE JACOBS: Will you do me a favor, please,
19 and readjust your mask for us. Thank you.

20 MS. EDWARDS: I'm sorry. Anyway, I believe
21 they are in default because they did not answer my
22 letters. I have had a no trespassing sign on my
23 property for over 20 years. It's very clear it is in my
24 very first correspondence and was sent to them. And it
25 says for trespass it's \$5,000 per day. And that day

1 starts, as far as I'm concerned, on June 21, 2019 until
2 it's removed. It also states that there's criminal
3 trespass.

4 Everygy has not had the power of condemnation
5 or taking of my airspace rights and I don't believe any
6 other agency or government has without just
7 compensation, because my constitutional rights demand
8 due process and compensation. I don't know, are they
9 claiming they have the right to take my private
10 property? Are you allowed to give it to them to a
11 private company? What kind of damages per state statute
12 and expenses? I mean, I have put a year into this.
13 This is -- I did not ever believe at my stage in life I
14 would ever become an activist again.

15 I was ready to retire and go down and spend
16 time on the beach with my son, but I feel very strongly
17 about this. I think people need to take it seriously.
18 I feel I do see one -- I didn't take Spanish, but the
19 term, and I may not be pronouncing it properly, malum in
20 se which supposedly means it's wrong in itself and I
21 believe that is what's happening with this company and
22 with other companies all over the United States that
23 they're just going in, not giving informed consent, just
24 doing what they want to do and then basically saying
25 okay, if you don't like it, this is what you have to do.

1 And I will not give up my legal rights.

2 Again from day one I have informed the utility
3 that it is less than 6 inches, 15.24 centimeters. My
4 doctor, Dr. Swords (phonetic spelling) letter is also in
5 my first complaint to the Commission. I have spoken to
6 her at great lengths. She does know that, and I have
7 mentioned I have talked with a Dr. Heuser in California
8 about my symptoms. He is evidently an expert out there
9 on EMF symptoms.

10 Dr. Swords, she knows what I'm doing. She
11 knows -- I told her about there were two really, really
12 severe times. I was getting ready for church. I think
13 this went back to around April. And I have a little
14 sit-down desk in my bedroom so that's usually where I
15 put my makeup on. It's on the far end of my bedroom
16 away from the wall. Still it's not a large room. And I
17 was sitting there, you know, basically putting my makeup
18 on and all of a sudden I just got the most blinding
19 headache like stabbing and I almost thought I was going
20 to throw up. And I felt so foggy of like what is wrong
21 with me. Then I thought oh, my goodness, I wonder if
22 that thing is pulsing. I walked out of my bedroom, went
23 over and got my cell phone and came in and took a
24 reading and it was extraordinarily high and I thought
25 I've got to get out of this house. So I spend as much

1 time outside of my house where I feel like I have the
2 air around me, and I am pretty proactive with my health.
3 I generally do a power walk. I have a long oval
4 driveway. I'm out in the country. And I usually walk
5 probably three, four times a week. I do a power walk
6 for 20 minutes. That's where I get out and really get
7 pumped up. I try to do that. Everytime I think I've
8 been in the house too much I go out on the opposite side
9 of the house. And I can't even lay in my bedroom and
10 watch TV. So again, I'm deprived of my own airspace.

11 Again, my no trespassing sign has been clearly
12 visible. I'm still not sure about the billings. I did
13 bring information there which we can go over later.
14 When I could not -- I guess it was April of 2019 was the
15 last time I sent in a meter reading. They are trying to
16 act like I didn't do any readings and I just was very
17 lacks about this. They stopped sending in with the bill
18 the little chart with the five clocks on it for me to do
19 my reading. That was about April of 2019. And the next
20 time I went to read my meter reading I went to call it
21 in the automated message or whomever, I think it was an
22 automated message, stated they weren't taking meter
23 readings. And I don't remember exactly. I wasn't
24 paying much attention. I remember seeing a postcard
25 about they were going to be upgrading their system. It

1 was -- I didn't even remember it that much. I was
2 thinking okay, they're upgrading the system. I probably
3 threw it away. I didn't see anything that indicated any
4 opt-out or any information whatsoever that concerned me.
5 So after my April reading, and they couldn't -- and I
6 wasn't able to turn in a meter reading and I think I
7 called somebody at that time, and they said, you know,
8 they're working on whatever they need to do.

9 So I started getting my bills. Instead of my
10 bill having my electricity bill there, it was I have a
11 dusk to dawn light that comes on automatically on a pole
12 on the north side of my home, because again I do live in
13 the country. And I was billed every month for the dusk
14 to dawn. Well, I knew that wasn't what I owed. I owed
15 a lot more than that. So I would make a payment. I
16 made several payments throughout the period of time from
17 about May until they put the meter in on June 21, 2019.
18 So there were times every month I would keep trying to
19 give them a meter read and they would not accept my
20 meter read. There were times -- I think there were two
21 times when I tried to pay more because I knew I was
22 going to owe this money. So I didn't want to be just
23 sitting back there and not paying anything. There was
24 one time I wanted to make I think it was a \$175 payment
25 and their automated system wouldn't take it. There were

1 a couple other times I couldn't get through to make it.
2 So I continued to send in or to call in and make
3 payments periodically.

4 I do know that -- paper showing Independence
5 homeowners have a class action suit pending. I don't
6 know what kind of environmental impact studies Missouri
7 has done. I have tried to be responsible. And looking
8 at the answers in their interrogatories, it doesn't make
9 it sound like I am. Do I take responsibility? Should I
10 have insisted I talk to somebody further on up the line?
11 Maybe so.

12 Having never had any real problems with them
13 prior to that, I was relying on the integrity of a
14 company, okay, they're upgrading, I understand that, but
15 again I have not -- I feel that they are absolutely
16 rampant in this state going around. I have personal
17 knowledge of friends who the meter reader came up to
18 their back door and when asked what they were doing
19 well, I'm replacing it and if you don't like it you're
20 going to have to pay \$45 a month and that's it. That's
21 not informed consent. Most people don't know they can
22 fight back. And I don't know where I go from here other
23 than to get more into my original complaint. Is now a
24 good time for me to offer this?

25 JUDGE JACOBS: I can tell you how I was going

1 to suggest that we approach it. So I don't want to
2 break up your testimony. So the parties will maybe want
3 to ask you some questions. I'd like to proceed with
4 those. Before we close up, we would talk about your
5 exhibits as the last thing. I think that that will work
6 well. We'll discover if it actually will. Just one
7 second. All right. So I would -- Was there something
8 in particular that you wanted to offer right now or if
9 you want to go through each individual document, I don't
10 think we should do that at this point.

11 MS. EDWARDS: No, I think we can go on with
12 however you want to proceed, Judge.

13 JUDGE JACOBS: So the next thing that would
14 happen is cross-examination. That means that
15 Mr. Pringle and Mr. Steiner would have a chance to ask
16 you questions. So I'm going to go ahead and ask
17 Mr. Pringle if he has questions for you now.

18 MR. PRINGLE: Yes, Your Honor. I'll move up
19 there so Ms. Edwards doesn't have to keep turning around
20 to look at me.

21 JUDGE JACOBS: Thank you.

22 CROSS-EXAMINATION BY MR. PRINGLE:

23 Q. Good morning, Ms. Edwards.

24 A. Good morning.

25 Q. So you talked about an app on your cell phone

1 that you have used to take electromagnetic field
2 readings. What is the name of that app?

3 A. I can look if you'd like.

4 Q. Yes, please.

5 A. Okay. It says EMF detector and it allows you
6 to take -- okay. If I detect EMFs, I am given three
7 choices. Either the EMF meter, the EMF digital or the
8 EMF graph. I can tell you that when I've taken the
9 readings I have used all three and they all three have
10 correlated with what the other one is saying.

11 Q. And the numerical I guess basis for those
12 readings is what you call microteslas?

13 A. Microteslas. I had to learn also. May I say
14 something else which I forgot about? My pastor's
15 sister, and her name is Brooke and I don't remember the
16 last name --

17 Q. Actually I'll have a question about your
18 pastor. We can get to that.

19 A. Okay.

20 Q. What exactly is a microtesla?

21 A. I believe the microtesla is like 1/1000th of
22 something. I'm not sure. I looked it up at one point,
23 and I really don't remember. I mean, I'm not the expert
24 there. I can read what it tells me, but from anything
25 else I don't really know much about.

1 Q. From your research, is that microtesla, that
2 seems to be the official counter?

3 A. I think there's another one I think they
4 called Gauss, G-a-u-s-s, I believe. There may be a
5 number of them out there. There's a lot of them that
6 are advertised that you can spend \$150 up to \$600 for
7 one.

8 Q. Okay. But for the one for purposes today,
9 you're using microteslas?

10 A. Yes, yes.

11 Q. Now, so you talked about your pastor telling
12 you -- Pastor Henry, that's his name, correct?

13 A. Uh-huh.

14 Q. -- how he asked you about smart meters?

15 A. Yes.

16 Q. Before that discussion with Pastor Henry, were
17 you aware of any kind of danger that smart meters posed?

18 A. No, I didn't know what a smart meter was.

19 Q. It all came first from Pastor Henry?

20 A. Yes. He just asked me if I had a smart meter
21 and if I did to check it out.

22 Q. Are you aware of any kind of background Pastor
23 Henry has regarding smart meters?

24 A. He's a former veteran. He served as a nurse
25 in Afghanistan. He is aware and later told me about

1 some of the dangers with some of the pulses that Ms.
2 Barris brought into her testimony earlier and about the
3 military and the weaponization and what they were doing.
4 So he knows a lot more about the 5Gs and was aware of
5 the smart meters. And he said he had made arrangements
6 to have a smart meter taken off of his own home.

7 Q. Is he also an Evergy West customer?

8 A. You know, I would imagine he was living at the
9 time in Lee's Summit. So I'm going to guess he probably
10 was.

11 Q. And then -- But you aren't aware of him having
12 ever worked for a utility?

13 A. No, I don't believe he ever did. He was a
14 nurse by trade.

15 Q. And you aren't aware of him having ever
16 actually installed a smart meter himself?

17 A. No, I don't believe he would have been.

18 Q. Also, you said that you read your own -- you
19 were a self-read meter customer for about 23 years?

20 A. Uh-huh, almost.

21 Q. You also talked about once a year usually a
22 company meter representative would come on your
23 property?

24 A. Uh-huh.

25 Q. Did they always call or alert you before they

1 came on your property?

2 A. No, they didn't and I asked them to, again,
3 because living alone and I had valuable livestock at the
4 time and my property is -- people aren't that close.
5 Close enough to where if I really screamed loudly maybe
6 they would hear me. But I live in the country. So
7 there's a lot of trees and everything around there. So
8 I am more cautious than maybe some people would be.

9 Q. Over the course of 23 years though you never
10 filed a complaint about them coming on your property
11 without calling you?

12 A. I did talk to them a couple times. I just
13 said please just call me or honk at the gate. I never
14 -- I had objections when I didn't know. That was oh, I
15 think probably fairly early on when I really didn't
16 realize they had to come in to check it once a year. So
17 my plea was just let me know. If I'm not home, fine,
18 because they had a little kind of a two-pronged short
19 ladder that they would put over my fence. I've had many
20 nice conversations with them. I called down to the
21 office and said please give your meter readers my
22 number, you know, it's fine. That way I know somebody
23 is coming and they're not breaking in to my barn.

24 Q. But you never filed a formal complaint about
25 that with this Commission?

1 A. No, no, with this Commission, no.

2 Q. And you also spoke about a postcard you
3 received about a meter upgrade?

4 A. I don't think it's a meter upgrade, but it
5 could have -- it was so innocuous to me that I probably
6 looked at it and went okay, fine, they're just going
7 through some upgrades and threw it away. I didn't keep
8 it.

9 Q. And as far as you were aware, your analog
10 meter worked until it was replaced?

11 A. It was. They first said it was a dead meter.
12 It was not a dead meter. So here they're saying I
13 wasn't reading the meter when, in fact, I was trying to
14 read the meter and send the reports in on a monthly
15 basis.

16 Q. And then you also said that you had problems
17 making automatic payments. Was this on the company's
18 website?

19 A. It was on their phone. I usually make my
20 payments by phone and they're automated. There were a
21 couple of times that it just wouldn't go through. One
22 or two particular times I would call in to make a
23 payment and I would get, I think it was once or twice,
24 got a recording that they weren't doing this or I'm not
25 sure what it was but there was another couple times I

1 would start to put in my information in from the bank or
2 credit card if I was using my debit card. It would
3 allow me to say it's a Visa but it wouldn't allow me to
4 go any further than that.

5 Q. Do you have like an exact number of times this
6 happened to you?

7 A. I think that was about two times that happened
8 and then one time, like I said, I tried to make a
9 payment that was \$475. I knew I probably owed at least
10 that much. And the recording, I don't know if that was
11 a recording or if that was a live person, said they
12 would only take \$109 and something. I was like why
13 would you only take that, I'm trying to pay more.

14 Q. You're saying there was a maximum amount you
15 could pay and you couldn't go over that?

16 A. All I was told was \$109 is all they were going
17 to take and I wanted to make a \$175 payment.

18 Q. And so you also talked a lot about your
19 constitutional rights and your civil liberties. I guess
20 I just want to kind of summarize what I think you're
21 coming with. Is it fair to say that you believe that
22 this Commission approved tariff dealing with the opt-out
23 program for the updated meters, you don't think that
24 that tariff is constitutional or fair?

25 A. I don't think it is fair, no. And whether

1 it's constitutional or not, I think it is a very thinly
2 disguised we're going to make it as high as we can so
3 most people will not take -- will not want to take this
4 meter off because they can't afford it. I don't think
5 it's fair and I don't think it's fair to Missouri. I
6 think it's hurting a lot of people.

7 MR. PRINGLE: Thank you, Ms. Edwards. That's
8 all I have.

9 MS. EDWARDS: Thank you.

10 JUDGE JACOBS: Mr. Steiner.

11 MR. STEINER: I'll move up too.

12 MS. EDWARDS: Thank you, Mr. Steiner.

13 CROSS-EXAMINATION BY MR. STEINER:

14 Q. Good morning, still morning. I think you said
15 you lived in the country. How close is your nearest
16 neighbor?

17 A. My nearest neighbor is right next door to me
18 to the north and right next door to me to the south.

19 Q. How many feet would you say just
20 approximately?

21 A. I'm sorry. I am probably -- You would think
22 I'd be better than I am being in real estate for many
23 years. I kind of go by acreage.

24 Q. About how many acres away?

25 A. I have 10 acres. I think they have 20 acres

1 to the north of me and they're long acreage.

2 Q. Would they be at least 10 acres away from you?

3 A. No, no, no. They would be maybe -- my
4 frontage I believe is about 330 feet. So I'm going to
5 say from my front door which faces east to my north
6 neighbor their property line is maybe about 150 feet
7 from me.

8 Q. Okay.

9 A. I'm just guessing.

10 Q. Yeah.

11 A. And then to the south they'd probably be about
12 the same about 150 feet to the property line there.

13 Q. Okay. You were talking about these
14 measurements you took with your phone in microteslas,
15 and those are to measure EMF levels; is that correct?

16 A. That's what I think. That's what I'm led to
17 believe anyway.

18 Q. Okay. And I talked to your son about cell
19 phones, et cetera. Do you have a cell phone?

20 A. I do.

21 Q. What other appliances do you have in your
22 house? Do you have an air conditioner?

23 A. I do.

24 Q. Do you have central heat?

25 A. I have a heat pump. Much of the year during,

1 particularly during the cool weather I use propane.

2 Q. Would the heat pump be an electric device?

3 A. I don't think so, but I'm not sure on that.

4 Q. Okay. Do you have a television?

5 A. I do.

6 Q. Stereo?

7 A. I have a radio.

8 Q. Radio. How about a computer? Do you have
9 computers at your house?

10 A. I have a computer that is turned off. I use
11 plugs and power cords and almost everything in my house
12 I keep turned off unless I'm using it.

13 Q. Do you have a microwave?

14 A. I do but it's rarely used.

15 Q. Your stove, is that electric?

16 A. It is.

17 Q. Any other electric appliances that you can
18 remember?

19 A. I just have my washing machine and dryer.

20 Q. Radios?

21 A. I said that, yeah, I have a radio.

22 Q. All right. I think you were talking -- I
23 remember you saying that when you read your meters it
24 was very easy to do. Do you recall saying that?

25 A. I do. They are easy to read.

1 Q. And that a kid do it --

2 A. Yes.

3 Q. -- if they could reach it?

4 A. Right.

5 Q. How high is your meter off the ground about
6 approximately? 5 foot?

7 A. I'm going to say if I'm outside.

8 Q. You said a kid couldn't see it.

9 A. It's probably about up to here on me.

10 Q. We've got to do better than that. Nobody can
11 see that.

12 A. I'm, what, 4, 4-1/2 feet.

13 Q. 4 feet off the ground?

14 A. It's located to where again I have an
15 orthopedic bed that I haven't been able to sleep in for
16 a year, and it is literally like this far from my head
17 when I'm lying down.

18 Q. Right. Do you know how high your orthopedic
19 bed is?

20 A. No.

21 Q. Does your orthopedic bed have a headboard?

22 A. No.

23 Q. Does it have a footboard?

24 A. No.

25 Q. What's your house constructed of?

1 A. It's a standard wood built home.

2 Q. It's not brick?

3 A. No, not brick.

4 MR. STEINER: I think that is all I have.

5 Thank you.

6 JUDGE JACOBS: Thank you. Do we have any
7 questions from Commissioners? I believe we still have
8 Commissioner Coleman with us. I do have several
9 questions. That will give Commissioner Coleman a chance
10 to speak up if there's something that she wants to ask.

11 QUESTIONS BY JUDGE JACOBS:

12 Q. So I wanted to just clarify. I understand
13 that you discovered you had a smart meter installed
14 after a conversation with your pastor at church; is that
15 right?

16 A. No. The smart meter I discovered later was
17 installed much before I had the conversation.

18 Q. No, I'm sorry, I'm asking about when you
19 learned that the meter that was on your house was a
20 smart meter.

21 A. Yes, that's correct.

22 Q. So that was after your conversation with --

23 A. It was after the conversation at church when
24 he said do you have a smart meter and I said I don't
25 know what it is. He said go home.

1 Q. I'm not actually asking about the details of
2 the conversation. I was just trying to get when it
3 happened to make sure I understood your testimony.

4 A. Right. I learned about it after our
5 conversation.

6 Q. And both of us are offenders in this score.
7 I'm going to try really hard not to speak over you, and
8 you're going to try really hard not to speak over me.

9 A. Thank you.

10 Q. So we've now established that you didn't know
11 that you had a smart meter on your house until after you
12 had a conversation with your pastor?

13 A. That's correct.

14 Q. So before the conversation with your pastor,
15 did you know that your meter had been exchanged for a
16 different meter?

17 A. No, I did not.

18 Q. So you had a conversation with your pastor in
19 which you complained about physical ailments and at that
20 point you still didn't know that the meter on your house
21 had been changed?

22 A. That's correct.

23 Q. And you are now aware of the date that the
24 meter was changed?

25 A. Yes.

1 Q. What date was that?

2 A. June 21, 2019, according to their records.

3 Q. Okay. And were you away from your home on
4 that day?

5 A. I was.

6 Q. Okay. Can you tell us -- apparently you were
7 on a vacation?

8 A. Yes.

9 Q. So what dates were you away from your home?

10 A. I left somewhere around June 9, because I
11 remember making a payment to the utility. I think I
12 made that payment on June 3. I can't find that
13 particular receipt but I wanted my bill paid before I
14 left home. And then I returned, it was either the 1st
15 or 2nd of July.

16 Q. Okay. So you get back to your house 1st or
17 2nd of July?

18 A. Uh-huh.

19 Q. Do you find something hanging on your door
20 that lets you know the utility company has been at your
21 house?

22 A. Nothing.

23 Q. At that point you didn't walk around the house
24 and say oh, that looks like a new meter?

25 A. No.

1 Q. So you were utterly unaware of the meter
2 exchange until a Sunday at church when you talked to
3 your pastor?

4 A. That's correct. Then I went home and went to
5 check the meter and sure enough there was a digital
6 meter out there.

7 Q. Okay. And then what did you do that day after
8 you discover it's a digital meter?

9 A. I think I probably called him back, called
10 Casey back and said I do have one. And he cautioned me
11 about the EMF electromagnetic fields, and again I knew
12 nothing about them. I think that was probably the day
13 that I called the sheriff and I wanted a sheriff's
14 report made, and a deputy came out and took a report.
15 And he told me I could do nothing, this was their
16 meters, and obviously deputies really don't know the
17 law. They just know what they're told to do.

18 Q. I believe there's a report that was attached
19 to your complaint?

20 A. Yes, that was the report.

21 Q. That is apparently related to this calling the
22 sheriff and reporting that a meter had been put on your
23 house?

24 A. Yes.

25 Q. Did you call Evergy before you called the

1 sheriff?

2 A. I'm not sure.

3 Q. That's a perfectly acceptable answer. You can
4 stop right there unless you have something more to say.

5 A. No, I'm not sure. I would rather not make a
6 mistake.

7 Q. So I thought I heard you say before that you
8 had asked the company to move the meter --

9 A. I did.

10 Q. -- at some point?

11 A. I did. I knew nothing about meters other than
12 what Casey had told me which was just be careful, be
13 cautionary.

14 Q. But you apparently were alarmed enough that
15 you also called the sheriff?

16 A. Yes. I wanted it on the record, because I
17 felt like it was important, yes.

18 Q. At that point your concern was the issue of
19 the company being on your property?

20 A. No. At that point my concern was my health,
21 because at that point I'd been having these symptoms
22 that I didn't know what was going on. That was what led
23 my conversation to Pastor Casey to say I don't know
24 what's going on, these headaches and this insomnia and
25 the rest of it, this is not like me.

1 Q. Okay. And I want to know if it is your belief
2 that you are a person who is unusually sensitive to this
3 radiation or if it is your belief that it is widely
4 damaging to everyone. I just want to understand your
5 theory here. Is it your belief that you are someone who
6 is vulnerable to this or are we all?

7 A. I do believe I am vulnerable to it. I do
8 believe my son is. I do believe my grandson is, and
9 he's living with me also now. I do believe that a great
10 majority of the people in our state are vulnerable.

11 Q. Could you explain to me the process that you
12 used to use to read your meter. So just step by step
13 what does that look like and then how do you provide
14 that information to the company? What method?

15 A. All right. They sent -- They used to send out
16 with the billing, I do have one here. It's in my
17 exhibits. It looks like five round clocks in a
18 horizontal row. And each of the clocks are numbered
19 from I think zero is at the top and you go around to the
20 number nine. And the paper that they would send would
21 have the arrows that you were supposed to read either
22 clockwise or counterclockwise. And then you read the
23 lowest of the numbers, depending on which way you were
24 going.

25 For example, if I were going clockwise and

1 zero is at the top and one clockwise was the next one
2 down and if it was between --

3 Q. You don't need to give that degree of
4 explanation. I understand there's a form provided to
5 you with four clocks.

6 A. Right.

7 Q. And then --

8 A. Five clocks.

9 Q. Five clocks. -- and then you use that --

10 A. Right.

11 Q. -- take it out to your meter and you --

12 A. What I would do, I take that out there and
13 then I would write the numbers. If it was between seven
14 and eight, I would put a seven down because it was the
15 lower of the two. And then so at the very bottom you
16 had the spaces to put all your numbers and then when I
17 would make my payment, and there was usually a date that
18 I was supposed to read by. Occasionally I was a few
19 days off. Then I would call in to their automated line
20 and give my numbers for the readings. And if for some
21 reason I didn't or was gone, they would estimate for
22 that month.

23 Q. Okay. So you would typically use this form
24 and go in your house and make a phone call and report it
25 to the company?

1 A. That's correct.

2 Q. Was that the only method that was available to
3 you for reading your meter or could you send the form
4 in?

5 A. I could have probably sent the form in, but I
6 used to just do it by phone because I usually made my
7 payments about the same time.

8 Q. And how frequently do you see an eye doctor?

9 A. About once a year. And I see an
10 ophthalmologist.

11 Q. Okay. So you did provide with your complaint
12 apparently a picture of a sign that you have posted on
13 your property; is that right?

14 A. I did.

15 Q. Okay. So the image that we see in your
16 complaint is a picture of a sign that's currently up at
17 your property?

18 A. Yes.

19 Q. And you earlier talked about seeing people
20 climbing over your fence --

21 A. Right.

22 Q. -- and realizing that they were meter readers?

23 A. I didn't realize it until I made a call.

24 Q. But that means that in order to read your
25 meter people needed to climb your fence?

1 A. And I understood that. I got that. I never
2 complained about that once I knew what the situation
3 was.

4 Q. And you said that they had some kind of ladder
5 truck or something that they could use in order to get
6 over the fence?

7 A. No, that was the first time I saw it. That
8 was when I was scared. I really didn't know if they had
9 taken something from the barn and I saw them put this
10 little ladder. It was a farm gate high and came down
11 both sides and it appeared to be rungs on both sides for
12 them to climb up one side and down the other. There
13 was, as I recall, it was an unmarked pickup truck and
14 that was what was frightening to me. Once I understood
15 it, that's when I said guys, just let me know. Just
16 honk. If I'm not here, I don't care, but just let me
17 know if you're here.

18 Q. I don't know if you'll know the answer to
19 this, but your meter is swapped out on June 21?

20 A. Uh-huh.

21 Q. And then in mid July you called the sheriff.
22 At what point did you get billing based on the new meter
23 and the realization that you had been apparently
24 underbilled for a long time? Do you know that?

25 A. It's in my exhibits here. I'm going to say

1 about the end of July, because I remember making a call.
2 And they said -- I think it was \$745 or something I
3 owed. But I had a credit. I had a mounting credit I
4 think at that point would have been about \$900. It was
5 from the time I was making additional payments it had
6 reached up to about \$930 or thereabouts maybe excluding
7 whatever the current bill was. And then as soon as I
8 got my first bill after the meter was installed, again,
9 I think that was the latter part of July because I think
10 I called them about the 31st. I was in shock. I was
11 like what happened to my credit. It just disappeared.
12 It's like they went to a new system and instead of
13 showing me that I had a credit and where it had been
14 applied, it was basically showing up as a debit instead
15 of a credit.

16 Q. So I just have two more questions for you.
17 What is it that you want from the company?

18 A. I want the company to provide an analog meter
19 that is not, let me see what I have here. I believe it
20 was --

21 Q. Are you demanding a meter other than the type
22 that was already on your property before?

23 A. I don't think so. That may come up that it
24 is. I'm perfectly happy with an analog meter.

25 Q. Are you perfectly happy with the meter that

1 you previously had?

2 A. Yes, I have no complaint about what the analog
3 meter.

4 Q. Your understanding is that it's an analog
5 meter?

6 A. Yes, the analog meter. Something that does
7 not have air transmission, airwaves. You know, again, I
8 don't want telecommunications and airwaves. Let's see
9 where I have what I wrote on here.

10 Q. So you've gone through all this time, spent a
11 great deal of effort, and I'm really asking you a simple
12 question of what you want from the company. So what you
13 want is?

14 A. I want an analog meter that is not using
15 airwave transmission and any kind of surveillance, any
16 kind of data processing. I don't want the EMFs coming
17 into my home or onto my property. I believe they owe me
18 for the trespass that I have clearly had out there all
19 of these years. And I don't want to have any collectors
20 or anything. I want to maintain my property, airspace
21 property rights, and what they're doing is not.

22 Q. Is that different from going back to the way
23 things were before your meter was exchanged?

24 A. As far as I know, that would be. If it was
25 the same type of thing just the analog meter, I have no

1 problem with that.

2 Q. In the same location as a meter is currently
3 located?

4 A. You know, I've thought about that, Judge, back
5 and forth. It would be simpler to put it right back on
6 my house. But because of the actions of Evergy, I'm
7 wondering if that is in my best interest. I can't
8 imagine it would take much to put that meter on the pole
9 right in front of my house. I mean, I don't have
10 overhead wiring there. It's underground wiring. And
11 that might be a better solution for both the company and
12 myself. But in case I for some reason wasn't able to
13 maybe physically at that point go out. I mean, I didn't
14 ever have problems really. Yes, I've been upset a few
15 times, but I basically never had problems with the meter
16 readers once we both understood each other.

17 Q. Okay. So I want to make sure I understand.
18 What you want from the company is a meter that's like
19 the one you had before?

20 A. Yes.

21 Q. But you might be also insisting that they move
22 it to a new location or you're not?

23 A. I don't know that I would insist. I'm not
24 trying to be difficult. But I think it might be better
25 if they just put it on the road. That way nobody could

1 say well, she didn't let them in, whatever. I can't
2 imagine that it would be that difficult since the pole
3 is right there across my fence.

4 Q. What is it that you're asking the Commission
5 to do? You've told me what you'd like from the company.
6 What would you like the Commission to do?

7 A. I don't know if you are able to make them --
8 They've changed the parameters and they have been using
9 my property and I would like you to say you're in
10 default, pay her the money for all of this time and
11 effort and the nuisance and the trespass. I don't know
12 if you're able to do that. I have read some of the
13 statutes in Missouri that the state does have the
14 ability to assess damages, and I don't want to have to
15 pay \$45 a month.

16 Q. That is actually a third question I've decided
17 to ask, and I've certainly had times in my life when \$45
18 a month was quite a bit of money. I do not want to
19 minimize that. However, you have testified that you're
20 suffering intense physical discomfort.

21 A. Yes.

22 Q. And apparently for \$45 a month you could avoid
23 that. So could you explain to the Commission why you
24 have chosen instead of coming up with \$45 a month to
25 take this approach to the problem?

1 A. Because -- Well, they wouldn't let me do it
2 unless I signed my civil rights away, and I won't do
3 that for anybody. That was a condition that was told to
4 me by at least three people, including Ms. Katherine
5 Winters, who I know she's retired. I said I am not
6 giving up my civil liberties. I find that to be
7 extortion.

8 Q. So you're referring to the form that the
9 company asks people to sign when they opt in to using
10 what they're calling the nonstandard meter?

11 A. They're calling it the nonstandard.

12 Q. So you determined that that was an
13 unacceptable condition in addition to the \$45 a month?

14 A. Yes, I will never give up my civil rights.

15 Q. Did you receive any advice from an attorney
16 that that form was requiring you to waive your civil
17 rights?

18 A. No, I did not.

19 JUDGE JACOBS: Okay. So those are all the
20 questions from the bench. Does anyone want to do
21 recross? Mr. Pringle, do you have any questions?

22 MR. PRINGLE: Just one question, Judge.

23 RE-CROSS-EXAMINATION BY MR. PRINGLE:

24 Q. I've heard, Ms. Edwards, you also refer to --
25 I was referring to your pastor as Pastor Henry. I heard

1 you say Pastor Casey.

2 A. That's his first name.

3 Q. So his full name is Casey Henry?

4 A. Yes.

5 MR. PRINGLE: Thank you.

6 MS. EDWARDS: I might mention that he brought
7 his sister who is a radiologist trained and she did
8 bring a very professional meter and took -- she took --

9 MR. STEINER: I'm going to object as hearsay.

10 MS. EDWARDS: Okay.

11 MR. STEINER: That meter test that this was --
12 alleged meter test. I can't ask any questions about it.

13 JUDGE JACOBS: That objection will be
14 sustained. Okay. Mr. Steiner, did you have any
15 recross?

16 MR. STEINER: I don't.

17 JUDGE JACOBS: Okay. So we've made it to
18 11:53, and it appears to me that what we have left is to
19 talk about the documents that Ms. Edwards would like to
20 have included in the record in this case. So we can go
21 ahead and get into that right now or we can wait until
22 after lunch. I could go either way. I'm personally
23 very thirsty.

24 MS. EDWARDS: I am too.

25 JUDGE JACOBS: Okay. So I'm going to just

1 decide that we will pick up after our recess with that
2 process. And I know some of you will be disappointed,
3 but that's what we're going to do. So I am going to
4 need a full hour to take care of some other things. So
5 we will reconvene at one o'clock. So we're now in
6 recess.

7 (The noon recess was taken.)

8 JUDGE JACOBS: We are now at one o'clock. So
9 everybody on WebEx, you should be able to hear me. It
10 is now 1:00 p.m. We are going to go back on the record
11 in this case, which is EC-2020-0252. And where we had
12 left off before we all broke for lunch was we were going
13 to talk with Ms. Edwards about the documents that she
14 wanted to have in the record in this case. So first
15 let's go ahead and start with your complaint which that
16 is the document that was initially filed when this case
17 was opened.

18 MS. EDWARDS: That's correct. That is the --
19 on February 24 was when I -- when this was opened. And
20 it has in here my letter to the Commission asking that
21 you all send these on to Everygy because they were
22 refusing my email -- I mean, my mail.

23 JUDGE JACOBS: So at this point we're just
24 going to identify the documents. So you've got a
25 February 19 letter to the Commission. It's essentially

1 a cover letter for your formal complaint.

2 MS. EDWARDS: That's correct.

3 JUDGE JACOBS: With that you included a
4 February 18 letter that you attempted to apparently send
5 to Evergy.

6 MS. EDWARDS: Right. And they did receive
7 that letter.

8 JUDGE JACOBS: And then --

9 MS. EDWARDS: And then that was February 18,
10 2020. I have the December 18, 2019 letter from my
11 physician indicating that it's not good for me to have
12 this.

13 JUDGE JACOBS: And then it looks like there's
14 two copies of the same letter for whatever reason.

15 MS. EDWARDS: Yes.

16 JUDGE JACOBS: And then looks like some copies
17 of letters.

18 MS. EDWARDS: And they should be -- I thought
19 there were two letters that I wrote in '19.

20 JUDGE JACOBS: There is a letter to
21 Mr. Bassham and then there's another letter dated
22 September 18, 2019.

23 MS. EDWARDS: 2019. That's what I was looking
24 for. So we have St. Luke's, Bassham.

25 JUDGE JACOBS: Your letter of September 18,

1 2019 included a long list of hyperlinks to information
2 about smart meters, right?

3 MS. EDWARDS: My letter originally stops with
4 my signature, both my personal signature and my trustee
5 signature which is marked confidential. That is No. 5.
6 And the Notice of Liability Addendum goes through page
7 12, I believe.

8 JUDGE JACOBS: Then the next document is that
9 image of a sign that you have previously told us is a
10 sign posted on your property?

11 MS. EDWARDS: Yes. This sign is right inside
12 my gate.

13 JUDGE JACOBS: Did you send -- Was this part
14 of the letter that you sent --

15 MS. EDWARDS: Yes.

16 JUDGE JACOBS: -- to the company?

17 MS. EDWARDS: I sent them the no trespassing
18 and I sent them a copy of sheriff's report.

19 JUDGE JACOBS: Okay. So that's why these are
20 here because they were included in your letter?

21 MS. EDWARDS: Yes, that's correct.

22 JUDGE JACOBS: Those are all the documents
23 that were filed February 24 in EFIS?

24 MS. EDWARDS: Right.

25 JUDGE JACOBS: Those are all marked as

1 confidential in EFIS.

2 MS. EDWARDS: Right.

3 JUDGE JACOBS: You are offering the whole
4 kitten kaboodle as one of your exhibits in this case?

5 MS. EDWARDS: I am.

6 JUDGE JACOBS: Are there any objections to
7 this complaint and all attachments being included in the
8 record in this case?

9 MR. STEINER: Yes, Your Honor. Sprinkled
10 throughout this there's factual allegations we didn't
11 accept the letter, that electromechanical meters are not
12 available, that these websites -- it's all hearsay, Your
13 Honor, for factual claims that have not been
14 established. I don't think putting that in the record
15 gives the Commission evidence that it can rely on. I
16 would allow the St. Luke's letter in.

17 JUDGE JACOBS: So would you agree that the
18 cover letter to the Commission and the letters to the
19 company could be part of the record simply for purposes
20 in the nature of a complaint in a legal proceeding where
21 the allegations are established based -- that's where
22 the party is making their allegations?

23 MR. STEINER: If it was limited to that this
24 doesn't establish the truth of any allegation but this
25 is simply the allegation she's making. I would admit it

1 with that proviso.

2 JUDGE JACOBS: Would that caveat apply to her
3 letter to the Commission and the letters to the company?

4 MR. STEINER: Yes.

5 JUDGE JACOBS: Okay. So basically what Mr.
6 Steiner is saying you're making a bunch of allegations
7 in here. You don't necessarily have anything with these
8 letters that substantiates allegations. So he's saying
9 this can't be evidence for the Commission to make a
10 decision. So would you like this to be part of the
11 record? I mean --

12 MS. EDWARDS: I want this part of the record,
13 yes.

14 JUDGE JACOBS: Right. But is your intent here
15 to inform the Commission of your allegations or to prove
16 your case with these particular documents?

17 MS. EDWARDS: I think that -- I think I would
18 object to him saying that my notice of liability and
19 addendum, number one, I believe they are in default.
20 They didn't answer me. So they -- In my opinion, they
21 have agreed to what I've said. And as far as the
22 addendums are concerned, they are part of this, the
23 sheriff's report and my sign and I think the Notice of
24 Liability Addendum where I have listed these references.
25 These are from genuinely well respected either

1 institutions or physicians throughout the United States
2 who, for example, Cynthia Ayers, I have her testimony.

3 JUDGE JACOBS: So right now we're talking
4 about the complaint. I don't see any testimony in this
5 complaint.

6 MR. STEINER: I think she might be talking
7 about the websites, Your Honor.

8 MS. EDWARDS: Because I'm planning on using a
9 couple of these in this letter as exhibits.

10 JUDGE JACOBS: Then we can address those as
11 they come up. Simply listing them here can show that
12 you cited them to the company.

13 MS. EDWARDS: I believe that my letter pretty
14 much speaks for itself, my letters I should say.

15 JUDGE JACOBS: I think that Ms. Edwards'
16 letter to the Commission is clearly appropriately part
17 of the record even if it is not specifically admitted as
18 an exhibit. It is the document that started this case.
19 So I don't think that requires or we should expect to
20 have much argument over that. It's the reason she is
21 before the Commission. And she attached to that some
22 letters that she has testified that she sent to the
23 company. If the company wants to argue about the
24 implications of whether or not those were ever received,
25 then I think that can be addressed in testimony if that

1 is an issue that needs to be addressed.

2 MR. STEINER: I don't have a witness, Your
3 Honor, but the address is wrong on there. So we didn't
4 receive those.

5 JUDGE JACOBS: I was hoping to get into that
6 in testimony. So really I think that takes care of the
7 letters. So then that leaves us with a letter from the
8 physician which I believe, Mr. Steiner, you just
9 indicated that you had no objection to that being part
10 of the record?

11 MR. STEINER: No, I don't.

12 JUDGE JACOBS: Okay. And then we have a
13 picture of a sign that Ms. Edwards says is posted at her
14 property. Is there any objection to that being included
15 as part of an exhibit?

16 MR. STEINER: No.

17 JUDGE JACOBS: And then we have a sheriff's
18 report dated July 15, 2019.

19 MR. STEINER: I don't have an objection to
20 that. I don't know if you mentioned the websites. I
21 think I would have objection of those being -- all the
22 information in those I don't think -- the websites on
23 page 6, I think you said you were going to deal with
24 that, Judge, when she offered those websites into the
25 record.

1 JUDGE JACOBS: Right. So what has been
2 offered right now is a list of websites that she has
3 cited to the company at one point. That's all. So are
4 you --

5 MR. STEINER: I'm objecting to all. It's just
6 I don't know what's in those websites. I say it's
7 hearsay. I object to any of the letters that are trying
8 to establish facts that haven't been so far proven in
9 this case.

10 JUDGE JACOBS: So the list of websites is
11 really just a list of websites. Ms. Edwards has not
12 offered as of this point anything from those websites,
13 hasn't explained to us why the Commission should
14 consider them, what the sources are. It's just a list
15 of websites. To the extent that list of websites would
16 be admitted with Exhibit 1, that's what it is. And I
17 just inappropriately called it Exhibit 1 because I've
18 been thinking of it as that because it's at the very
19 beginning. Really if we are going to adopt the
20 numbering scheme that staff created for us, this would
21 actually be Complainant's Exhibit 14.

22 MR. PRINGLE: Yes.

23 JUDGE JACOBS: So with the understanding that
24 the initial complaint letter to the Commission is
25 clearly appropriate to be part of the record and that it

1 had attached to it some letters that are going to be
2 discussed in testimony as far as Ms. Edwards'
3 communications with the company and the fact that
4 Mr. Steiner has no objection to the letter from the
5 doctor and I believe that this image of a sign that we
6 have some testimony about and also this sheriff's report
7 that there's no objection to, all of those can be
8 admitted into the record as Complainant's Exhibit 14.

9 (COMPLAINANT'S EXHIBIT 14 WAS RECEIVED INTO
10 EVIDENCE AND MADE A PART OF THIS RECORD.)

11 JUDGE JACOBS: It should be confidential
12 because that's what it was designated as to begin with.
13 Okay. So you had a total of 14 exhibits, ma'am, and we
14 have addressed Exhibit 7 because that was what one of
15 your witnesses had some involvement with. So we took
16 care of that when she was testifying. But then you have
17 a number of other exhibits.

18 MS. EDWARDS: Yes, I have a couple of exhibits
19 from the addendum in my initial complaint.

20 JUDGE JACOBS: I think what would be the most
21 efficient way to go through this is to talk about them.
22 We'll just talk about them in the order that they were
23 assembled by staff. Do you happen to have them in that
24 order or not?

25 MS. EDWARDS: I do have them. Are you talking

1 about these exhibits here that are on this page?

2 JUDGE JACOBS: Yes. It says on top
3 Complainant Exhibits 1 through 11.

4 MS. EDWARDS: Yes, I have those. I also have
5 a few exhibits that were from the addendum from my first
6 correspondence that was submitted on the 14th that is
7 not on this list.

8 JUDGE JACOBS: Okay. So these things under
9 the procedural order, all exhibits were to be exchanged
10 by the parties. So do you have additional materials you
11 haven't given the other parties?

12 MS. EDWARDS: Yes, I have -- I'm sorry.
13 Because the list was there I thought it would be --
14 everybody would be able to refer.

15 JUDGE JACOBS: Actually I did get a phone call
16 from OPC about this. I think that you had inquired
17 about whether you could offer something just by citing
18 the website.

19 MS. EDWARDS: Uh-huh.

20 JUDGE JACOBS: My answer to that was that you
21 clearly could not do that.

22 MS. EDWARDS: Could not do that. For example,
23 Cynthia Ayers, I have her testimony in the House in
24 Michigan.

25 JUDGE JACOBS: Let's go through your exhibits

1 that you did share with the parties --

2 MS. EDWARDS: Very good.

3 JUDGE JACOBS: -- and then we'll see what the
4 parties have to say about the things that you didn't
5 share.

6 MS. EDWARDS: All right. Thank you.

7 JUDGE JACOBS: So you have something that's
8 Exhibit No. 1.

9 MS. EDWARDS: No. 1.

10 JUDGE JACOBS: You marked it as C1. On the
11 bottom it says C1.

12 MS. EDWARDS: C1, yes, page 1 of 3. And this
13 is the property rights and the right to exclude. This
14 is by -- was written in 1998 by Thomas W. Merrill from
15 the Columbia Law School.

16 JUDGE JACOBS: It appears that you have
17 selected only two pages from this law review article.

18 MS. EDWARDS: I think I have three pages. I
19 have page 1.

20 JUDGE JACOBS: Well, you have two pages of
21 text and the cover page.

22 MS. EDWARDS: Yes, I believe so, yes. And I
23 tried to keep it simple, but on page 2 of 3 it states
24 the US Supreme Court has said -- the Court has said of
25 the right to exclude that it is, quote, universally held

1 to be a fundamental element of the property right,
2 unquote. That it is, quote, one of the most essential
3 rights, unquote, of property and that it is one of the
4 treasured rights of property. Although all these
5 statements imply that the right to exclude is not the
6 only right associated with property, no other right has
7 been singled out for such extravagant endorsement by the
8 court. Moreover, the court's decision suggests that
9 governmental inference with the right to exclude is more
10 likely to be considered a taking of property without
11 compensation under the Fifth Amendment than are the
12 interferences with other traditional elements of
13 property. They also refer, I had this highlighted,
14 Loretto v. Teleprompter Manhattan.

15 JUDGE JACOBS: The difficulty that I see with
16 this particular exhibit is that it's two pages from a
17 full document.

18 MS. EDWARDS: Yes, it is. I understand -- I'm
19 sorry.

20 JUDGE JACOBS: The reason you're offering this
21 is for the purpose of making a legal point?

22 MS. EDWARDS: Yes.

23 JUDGE JACOBS: Is there any objection to this
24 exhibit, Exhibit 1?

25 MR. STEINER: There's been no foundation, this

1 is fragments from it. Could I offer, I mean, she could
2 cite to this in her brief. It doesn't have to become
3 evidence. It's just like citing to a case. That's my
4 objection.

5 JUDGE JACOBS: Thank you. I don't believe
6 that I can admit this to the record because it is a
7 fragment. And the other problem with it is that if you
8 would like to make a legal argument and you would like
9 to cite the law, you can do that in your post-hearing
10 brief.

11 MS. EDWARDS: Okay.

12 JUDGE JACOBS: So that is how a legal argument
13 can be made without actually getting all of the cases
14 and getting all the statutes and making copies of them
15 and showing them. You can argue them and the folks who
16 are supposed to make those legal decisions know how to
17 go out and consult the law. You just cite the parts of
18 the law that you believe help you. I don't believe this
19 is a proper exhibit for that reason. It's just not
20 going to help the Commission in this case.

21 MS. EDWARDS: The only reason I put that in
22 there was because I knew I was fighting for my legal
23 rights.

24 JUDGE JACOBS: Right. So Complainant's
25 Exhibit 1 is not going to be received into evidence

1 because it is fragmentary and it is not competent.

2 Okay. So Exhibit 2. This appears to also be
3 a portion of a very -- what appears to be a pretty large
4 and ambitious law review article concerning property
5 rights?

6 MS. EDWARDS: Yes, it is. This is Airspace
7 and the Takings Clause. This is actually from Troy A.
8 Rule from the University of Missouri.

9 JUDGE JACOBS: So I believe because you don't
10 have a lawyer here today to argue these cases for you,
11 you can certainly present your legal arguments as you
12 see it and then you can present a brief that makes the
13 legal arguments.

14 MS. EDWARDS: Okay. So my legal -- As I see
15 it, my constitutional rights.

16 JUDGE JACOBS: You'll have a right to make
17 that argument if you'd like when we close today.

18 JUDGE JACOBS: Okay?

19 MS. EDWARDS: Thank you.

20 JUDGE JACOBS: So because on its face Exhibit
21 2 has the same problems of Exhibit 1, it is not going to
22 be admitted into the record.

23 Okay. And would you like to explain to us
24 what Exhibit 3 is, ma'am?

25 MS. EDWARDS: Exhibit 3 is a one-page taking

1 clause on property rights by Robert Meltz. So I've not
2 fragmented this. This was in its entirety. Decisions
3 of the US Supreme Court. May I read this?

4 JUDGE JACOBS: So what you were hoping to do
5 today was you wanted to come and read this
6 information --

7 MS. EDWARDS: Yes.

8 JUDGE JACOBS: -- to the Commission. Okay.
9 So if what you'd like to do is -- You can go ahead and
10 do that during your closing statement.

11 MS. EDWARDS: Okay.

12 JUDGE JACOBS: There isn't any information on
13 the face of this exhibit that tells us anything at all
14 about where it came from or who the author is.

15 MS. EDWARDS: Okay. Well, I thought it said
16 Robert Meltz.

17 JUDGE JACOBS: Right, but we don't know who
18 that person is or what makes him especially persuasive
19 or the sort of person that the Commission should listen
20 to to make its decisions. If this is a purely legal
21 argument, you could make that in your closing.

22 MS. EDWARDS: Okay.

23 JUDGE JACOBS: Did you still want to offer
24 this Exhibit 3?

25 MS. EDWARDS: Yes.

1 JUDGE JACOBS: Is there any objection?

2 MR. STEINER: Yes, Your Honor. I believe it's
3 hearsay. There's no indication of where it comes from.
4 I also don't believe it's relevant. The Commission
5 doesn't have the authority to answer constitutional
6 questions.

7 JUDGE JACOBS: I think that this exhibit best
8 belongs as part of your legal argument. I think what
9 you're really after here is the essence of the argument
10 the person is making rather than relying on their
11 identity or the fact that you went and got this from
12 wherever it was that you got it. I think that this
13 should not be included in the record as an exhibit, but
14 you can still present these ideas because that's what
15 you're trying to do.

16 MS. EDWARDS: Right.

17 JUDGE JACOBS: Okay. So would you like to
18 tell us about Exhibit 4?

19 MS. EDWARDS: Yes. Exhibit 4 is regarding the
20 2018 settlement of a case here in the State of Missouri.
21 This was a seven-year court battle between Missouri
22 landowners and a telecom company. And they strung
23 fiber-optic cable across 796 miles of private property
24 without permission or compensation has concluded with a
25 \$25 million settlement negotiated by a legal team led by

1 an Indianapolis law firm. It goes on to give the
2 attorneys involved in the case and the quote which reads
3 this settlement represents a victory for property rights
4 and provides a substantial measure of justice for
5 thousands of people whose property has been used for
6 telecommunications without permission to do so.

7 Waicukausi said, it's not as much justice as we and two
8 juries would have liked but, all things considered, it's
9 a good result. It is telling that there were no
10 objectors to the settlement. I found this to be very
11 apropos to my situation in that just as they were using
12 property that they didn't really own or have ability to
13 utilize and turning that easement into something quite
14 different, which is what I believe has happened in my
15 case, is I was buying electricity and now they're
16 putting the airwave transmission that I have no control
17 of being able to turn on or off. And I was pleased to
18 see that the Missouri federal court felt that was good.

19 JUDGE JACOBS: Is there an objection to this
20 exhibit?

21 MR. STEINER: Again, I think it's hearsay.
22 It's an out of court statement. I don't have any way of
23 asking if this settlement actually existed or not.
24 I can't ask questions about it. It's a piece of paper.

25 MS. EDWARDS: It gives the case number on the

1 back. I think it is -- it holds to what I'm trying to
2 get across to the Commission is that this is a case, a
3 Missouri case only a couple years old that has been
4 settled and I believe affirms what I am talking about
5 with my legal rights.

6 JUDGE JACOBS: I don't see how these two
7 articles have any relevance to the issues that the
8 Commission will have to decide in this case.

9 MS. EDWARDS: Okay.

10 JUDGE JACOBS: There is also the hearsay
11 problem. So these will not be admitted into the record.
12 If you would like to make the policy argument, you can
13 go ahead and do that in your closing when it's your turn
14 to do so.

15 MS. EDWARDS: The policy argument you said?

16 JUDGE JACOBS: The argument about what's right
17 or wrong essentially. That's really the argument that
18 you're making. You're using that as an example.

19 MS. EDWARDS: Right. So I can use that in
20 closing?

21 JUDGE JACOBS: Yes. And by use it, I mean you
22 can refer to those things as part of your effort to
23 persuade.

24 MS. EDWARDS: Okay. Thank you.

25 JUDGE JACOBS: You've got Exhibit 5 up. It

1 looks like it's a Wikipedia article?

2 MS. EDWARDS: This is, yes, the United States
3 v. Causby, which is still being upheld today which talks
4 about our property rights and we own our property, our
5 airspace rights, which is what my claim is, my legal
6 claim is I own my airspace rights. And I believe that
7 Everygy has trespassed and caused me nuisance and harm.

8 JUDGE JACOBS: Is there any objection to this?

9 MR. STEINER: I believe it is not relevant.
10 The Commission doesn't have authority to deal with the
11 constitutional or the federal airspace question. I
12 guess this isn't an objection, but you can always cite
13 to cases in briefs. Doesn't need to be an exhibit for
14 you to cite to what a case holds.

15 JUDGE JACOBS: Okay. So my decision on this
16 one is going to be limited to allow this document to be
17 admitted as an exhibit, Exhibit No. 5, for purposes of
18 informing the Commission of the information that Ms.
19 Edwards' own personal research has shown about her
20 property rights. I think it's useful to that extent.
21 And Mr. Steiner is correct that if you want to rely on
22 legal authority you can do so by simply referring to
23 that legal authority and citing to it which is
24 essentially what you do when you say US v. Causby. So
25 if you decide to submit a post-hearing brief, then you

1 can discuss that case in greater detail. I'm going to
2 allow it into the record to inform the Commission.

3 (COMPLAINANT'S EXHIBIT 5 WAS RECEIVED INTO
4 EVIDENCE AND MADE A PART OF THIS RECORD.)

5 JUDGE JACOBS: Okay. We're on to Exhibit 6.

6 MS. EDWARDS: This is a short couple of
7 excerpts from -- I'm sorry.

8 JUDGE JACOBS: The cover page on this says
9 it's from the United States Court of Appeals for the
10 District of Columbia Circuit and you had it marked as E,
11 page 1 of 7. Looks like this.

12 MR. STEINER: It's one of the cases with Ms.
13 Barris involved in it.

14 MS. EDWARDS: I'm sorry?

15 MR. STEINER: It's one of the cases that has
16 Ms. Barris, your first witness.

17 MS. EDWARDS: Yes, I have F.

18 JUDGE JACOBS: Ms. Edwards, do you see
19 anything that looks like this? That's what we're
20 looking for.

21 MS. EDWARDS: May I approach, please?

22 JUDGE JACOBS: Sure. Can you see that?

23 MS. EDWARDS: Yes.

24 MR. STEINER: Could counsel for staff give you
25 a copy?

1 JUDGE JACOBS: I was trying to avoid a lot of
2 exchange of documents.

3 MR. STEINER: Sorry, Judge.

4 MS. EDWARDS: I'm trying to keep everything in
5 order.

6 JUDGE JACOBS: You had multiple copies over
7 there, Mr. Pringle?

8 MR. PRINGLE: Yes, I do.

9 JUDGE JACOBS: Do you want to separate one?

10 MR. PRINGLE: Yes.

11 JUDGE JACOBS: Thank you.

12 MS. EDWARDS: Thank you. That must have
13 fallen out. Thank you so much.

14 JUDGE JACOBS: It's a slippery slope, guys.
15 Just trying to maintain.

16 MS. EDWARDS: Yes, this is what Ms. -- this is
17 the brief filed in the Petitioners v. Federal
18 Communications Commission which has recently been filed
19 that Ms. Barris referred to this morning.

20 JUDGE JACOBS: And it looks like what you've
21 offered the Commission here is a selection of pages from
22 a much larger document; is that right?

23 MS. EDWARDS: Yes. It was approximately 115
24 pages, and I tried to hone in on what my problem is and
25 that's the smart meter and to leave everything else

1 extraneous out of this. And this page 2 refers to pages
2 40 and 41 of this legal brief. And if I may read.

3 JUDGE JACOBS: No, we really -- We don't want
4 you to read the whole thing into the record.

5 MS. EDWARDS: Okay. I'm just going to submit
6 it?

7 JUDGE JACOBS: We're going to decide if that's
8 going to happen. Are there any objections to this
9 document now that it's been identified?

10 MR. STEINER: Yes, Your Honor. This is not a
11 decision of the FCC. It's what litigants in front of
12 the FCC have filed. Therefore, it's hearsay. I don't
13 even know who is making these statements in here. I
14 have no way of cross-examining them or asking them about
15 them. It's also, as you noted, just a partial selection
16 of the entire document. So I would object that it's
17 hearsay and not the entire thing. It's not even
18 something that the FCC has opined upon. It's litigants
19 in front of the FCC. It's their position.

20 JUDGE JACOBS: I want to ask a question about
21 how you generated this document. So it looks like did
22 someone provide it to you?

23 MS. EDWARDS: I have it on as Ms. Barris has
24 mentioned, I was on her website and she had this posted
25 on her website after they filed and then I got it from

1 the website of the filing.

2 JUDGE JACOBS: Okay. But it doesn't look to
3 me like it's in the typeface that you would typically
4 see in a legal brief. Did you copy it and copy it into
5 a new document?

6 MS. EDWARDS: Yes, I took -- I'm sorry. I
7 misunderstood, yes. What I did was when I was reading
8 through the document, I took -- that's why I have it
9 marked which pages it came from so that I could refer
10 back to it because I felt like in the essence of not
11 using the entire document and just honing in on what was
12 my problem, you know, for this to be shown. That's the
13 reason it was like this.

14 JUDGE JACOBS: I'm not going to be able to
15 admit this into the record because it's an incomplete,
16 admittedly incomplete document that was pulled. Why
17 don't you just leave that at the edge of your table
18 there and if you need to consult that again, Mr. Pringle
19 can tell you where you'll be able to find things in it.

20 MS. EDWARDS: Thank you.

21 JUDGE JACOBS: As I was saying, apparently you
22 cut and paste out of another document and created this
23 new document that you're offering that is an excerpt of
24 this legal brief?

25 MS. EDWARDS: Right.

1 JUDGE JACOBS: So in addition to the problems
2 Mr. Steiner has pointed out, it's also incomplete and it
3 isn't helpful to the Commission in making its decision.
4 If it includes some legal arguments that you think are
5 useful to you, you can make those arguments and you
6 would do so in your closing and in a legal brief that
7 you could file after the hearing.

8 MS. EDWARDS: Very good. Thank you. I'm
9 sorry to make you repeat all this.

10 JUDGE JACOBS: You don't need to apologize.
11 Okay. I think that takes us to 8. Would you like to
12 just describe what this is and where you got it?

13 MS. EDWARDS: This I got from the internet
14 from the Americans with Disabilities Act of 1990 (42
15 U.S.C. 12101), and it talks about the codified findings,
16 the disability defined and rules of construction.

17 JUDGE JACOBS: Did you also use the internet
18 to locate this information?

19 MS. EDWARDS: Yes, I did.

20 JUDGE JACOBS: And then you copied it into a
21 new document and compiled it?

22 MS. EDWARDS: This was not -- All I did here
23 was just copy what was on the internet. I didn't make
24 any other changes to it other than just to copy it.

25 JUDGE JACOBS: Okay. Are there any objections

1 to this exhibit?

2 MR. STEINER: Looks like a copy of the
3 statute. It doesn't need to be an exhibit, but we have
4 no objection.

5 JUDGE JACOBS: Okay. Exhibit 8 will be
6 admitted.

7 (COMPLAINANT'S EXHIBIT 8 WAS RECEIVED INTO
8 EVIDENCE AND MADE A PART OF THIS RECORD.)

9 JUDGE JACOBS: Would you like to tell us about
10 how you located Exhibit 9, where it comes from?

11 MS. EDWARDS: I believe it was with one of my
12 conversations with Dr. Arvan. And we talked about the
13 Americans with Disabilities Act. And I decided I better
14 find out about it.

15 JUDGE JACOBS: So is that what Exhibit 9 is or
16 are you talking about --

17 MS. EDWARDS: I'm talking about the ADA
18 exhibit.

19 JUDGE JACOBS: That one was admitted, ma'am.
20 So we're on to the next one which was 9.

21 MS. EDWARDS: I'm sorry. I don't talk about
22 this now?

23 JUDGE JACOBS: It's basically citing a legal
24 statute. You've given your testimony today.

25 MS. EDWARDS: Okay.

1 JUDGE JACOBS: And then when the other
2 witnesses testify, you'll have a chance to ask them
3 questions, and then you will be able to make a closing
4 statement today and then you will be able to file a
5 brief after this hearing.

6 MS. EDWARDS: Very good.

7 JUDGE JACOBS: Right now all we're doing is
8 figuring out if these documents that you want to be on
9 the record are competent to be part of the record.

10 MS. EDWARDS: Very good.

11 JUDGE JACOBS: So you're not testifying and
12 you're not arguing.

13 MS. EDWARDS: Thank you.

14 JUDGE JACOBS: I'm sorry that that wasn't
15 clear.

16 MS. EDWARDS: Some of it I'm sure is going
17 over my head because I'm not used to being in this
18 arena.

19 JUDGE JACOBS: I'm sorry it's so difficult.
20 No. 9.

21 MS. EDWARDS: No. 9 is EH, and that stands for
22 Environmental Health Trust, Dr. Devra Davis, founder.
23 Again, yes, this is cut and paste and then I have some
24 cut and paste from the Sage Report, Sage Associates from
25 Santa Barbara, California.

1 JUDGE JACOBS: Is this the kind of information
2 you've been reading online and trying to understand
3 electromagnetic radiation?

4 MS. EDWARDS: Yes.

5 JUDGE JACOBS: Does anyone have an objection
6 to Exhibit 9?

7 MR. STEINER: Yes, Your Honor. It's hearsay.
8 At least the top paragraph, looks like it's cited to
9 Dr. Devra Davis. I don't have any ability to question
10 her statements there. So I believe it's being offered
11 to show the truth of those statements. So I believe it
12 should not be admitted as evidence under the hearsay
13 rule. The Sage Report, which looks like it's something
14 different, again, it looks like just selections from it.
15 I have no way to question the information provided
16 there, and I'm not even sure -- there's tables referred
17 to. I do not see a table in here. Again, it appears to
18 be random snippings from a report which I don't believe
19 would be something that the Commission could rely on to
20 write an order in this case.

21 JUDGE JACOBS: I agree that there are problems
22 with this exhibit because it's excerpts and we don't
23 have a lot of information really at all about where it
24 came from. I'm going to admit it into the record for
25 purposes of informing the Commission about the

1 information that Ms. Edwards has received as she has
2 gone out to research this issue.

3 (COMPLAINANT'S EXHIBIT 9 WAS RECEIVED INTO
4 EVIDENCE AND MADE A PART OF THIS RECORD.)

5 JUDGE JACOBS: So that takes us to Exhibit 10.
6 The top of that document says Direct Testimony of Norman
7 Lambe. Have you located that, Ms. Edwards?

8 MS. EDWARDS: Yes, I have.

9 JUDGE JACOBS: Would you like to tell us how
10 you came upon this document and what you are offering it
11 for?

12 MS. EDWARDS: I was searching the internet and
13 I don't remember which site I got on, but I found his
14 testimony and I felt it was very applicable due to fires
15 and problems with the smart meters in general and it
16 helped me to understand what some of the problems are
17 with firefighters and insurance adjusters regarding
18 smart meters.

19 JUDGE JACOBS: Mr. Steiner or Mr. Pringle, any
20 objections to this?

21 MR. STEINER: I believe it's hearsay. I'm not
22 able to question Mr. Lambe on his statements regarding
23 meters. I don't object if you're going to admit it for
24 the same purpose of showing what the complainant
25 researched on the internet, but I would object that

1 these statements that he makes are factual statements
2 that the Commission can rely on in writing this order in
3 this case.

4 JUDGE JACOBS: Okay. So I think the only way
5 that I could admit this is for the limited purpose of
6 informing the Commission about the information that
7 you've been relying on as you've dealt with this
8 situation. It will be admitted as Complainant's Exhibit
9 10.

10 (COMPLAINANT'S EXHIBIT 10 WAS RECEIVED INTO
11 EVIDENCE AND MADE A PART OF THIS RECORD.)

12 MS. EDWARDS: Then we're down to 11. This is
13 -- Again, I got this off the internet. This is the
14 rebuttal testimony of Timothy Schoechle. I don't know
15 exactly how that is spelled. S-c-h-o-e-c-h-l-e.

16 JUDGE JACOBS: Just give me one minute here.
17 I need to figure out what's happening on WebEx. I
18 apologize for the interruption here. Okay. Thanks for
19 your patience. Were we on -- We're on 11 and you were
20 just spelling this person's name. This is additional
21 testimony; is that right?

22 MS. EDWARDS: Yes.

23 JUDGE JACOBS: So are there any objections to
24 Complainant's proposed Exhibit 11?

25 MR. STEINER: Yes, same objection, it's

1 hearsay, it's out of court statements to prove the truth
2 of the matter asserted. I'm not even sure of all the
3 claims he's claiming. I do not have the opportunity to
4 talk to Mr. Schoechle, and therefore I would object to
5 its admission.

6 JUDGE JACOBS: I'm going to admit this for the
7 limited purpose that I described before of informing the
8 Commission.

9 (COMPLAINANT'S EXHIBIT 11 WAS RECEIVED INTO
10 EVIDENCE AND MADE A PART OF THIS RECORD.)

11 JUDGE JACOBS: That takes us to proposed
12 Exhibit 12.

13 MS. EDWARDS: And these are various codes and
14 amendments that I felt were applicable to my arguments,
15 my legal arguments for what I think has been done
16 against me by the utility Evergy.

17 JUDGE JACOBS: So essentially the kind of
18 summary or compendium of legal provisions or statutes or
19 constitutional provisions that you'd like to cite?

20 MS. EDWARDS: Yes.

21 JUDGE JACOBS: Are there any objections?

22 MR. STEINER: I don't object, Your Honor, if
23 it just has the actual code. But like on the first page
24 it does -- I believe there's commentary there, and I
25 object to that as I don't know who's saying it. I can't

1 talk to the person. So I would dispute that that can be
2 evidence. I believe it's hearsay. Some of the other
3 things that are in the exhibit do look like just the
4 statutes themselves which it's fine from the exhibit.
5 They can also be cited in a brief.

6 JUDGE JACOBS: So because the Commission can't
7 be expected to go through and figure out what was
8 actually a citation to the Constitution and what was
9 actually someone's opinion about what that means, I'm
10 not going to admit this exhibit, but if you would like
11 to cite these provisions as part of your legal argument
12 you can do so.

13 And then I think that takes us to lucky 13.
14 It looks like this one concerns the Energy Policy Act of
15 2005.

16 MS. EDWARDS: Yes, it does. And it also
17 discusses the Americans with Disabilities Act.

18 JUDGE JACOBS: Does this have any relationship
19 to the testimony of your witness earlier today?

20 MS. EDWARDS: I believe it probably would,
21 yes.

22 JUDGE JACOBS: Do you know where this came
23 from? There's nothing on the face of the document that
24 tells us what its origin is or really what it is.

25 MS. EDWARDS: I believe this came from Ms.

1 Barris' white paper that she addressed earlier.

2 JUDGE JACOBS: So Exhibit 7 is actually the
3 white paper or the parts of the white paper that you
4 offered and that I admitted for a limited purpose. So
5 would this essentially be you're saying another part of
6 that?

7 MS. EDWARDS: I think so, yes. I think this
8 was part of a duplicate that I had forgotten about.

9 JUDGE JACOBS: Did you still want to offer it?

10 MS. EDWARDS: Yes, I do, because I think it's
11 a little bit more comprehensive.

12 JUDGE JACOBS: Are there any objections?

13 MR. STEINER: Yes, Your Honor. I can't -- I
14 still can't tell where it's from even with the
15 complainant mentioning that. It doesn't say that on
16 there. Again, I would argue hearsay and argue
17 relevancy. The Commission can't decide matters under
18 the Fair Housing Act or even the Energy Policy Act.

19 JUDGE JACOBS: So the problem with this is
20 that there's really no way of knowing where it came
21 from. The white paper one at least had a cover page and
22 the witness was on the phone to tell us that she was
23 involved in that. So to some degree we could figure out
24 what that was. This one it's not all clear and it seems
25 like what you want to use it for is for legal argument;

1 is that right?

2 MS. EDWARDS: Yes.

3 JUDGE JACOBS: Okay. So it will not be
4 admitted as an exhibit. To the extent that you think
5 that these are useful arguments for you, you can go
6 ahead and make them in closing and also in a brief.

7 MS. EDWARDS: Very good. Thank you.

8 JUDGE JACOBS: I believe that takes care of
9 the exhibits that you had provided to the parties in
10 advance. It sounded like you also had exhibits that you
11 had not exchanged.

12 MS. EDWARDS: Yes, I did.

13 JUDGE JACOBS: Mr. Steiner has requested that
14 he would like to be able to allow his witnesses to go so
15 that they can apparently travel back to wherever they
16 came from today at a convenient time. So to my mind it
17 seems like it would be possible at this point to proceed
18 with Mr. Steiner's witnesses and then perhaps look for
19 another opportunity to address these additional exhibits
20 that you didn't share with the parties. Is that
21 agreeable to the parties or would you like to just press
22 on with that issue right now?

23 MS. EDWARDS: I have no problem with him
24 putting his witnesses on.

25 JUDGE JACOBS: Mr. Steiner, you see no problem

1 with that?

2 MR. STEINER: That's fine.

3 MR. PRINGLE: At some point I'd like for us to
4 talk about how we're going to mark the exhibits that
5 have been entered but that can also wait.

6 JUDGE JACOBS: Well, my intention was to mark
7 them as you had proposed. So all of the exhibits that
8 have just been admitted to the record would be marked
9 as complainant's exhibit and then the number that was
10 attributed to it on your form plus the complaint
11 documents were actually 14. Is that clear enough or is
12 there something I'm missing about that?

13 MR. PRINGLE: So on EFIS would we then have --
14 I have the first one Exhibit 5. Would that be Exhibit
15 5, Exhibit 7, 8, 9, 10, 11, 14 or would we rather
16 renumber them 1 through 7?

17 JUDGE JACOBS: We are actually going to
18 rigidly stick to the numbering scheme and so there's
19 going to be gaps, but I think that is clearer. So I
20 prefer to do it that way. Is that all right with you?

21 MR. PRINGLE: I have no problem with that,
22 Judge.

23 JUDGE JACOBS: Hopefully that doesn't upset
24 anything for anybody else. Okay. All right. Actually
25 as I had said earlier, adjudication staff is going to

1 have to sort through those and make those filings.

2 It appears that we're ready to proceed to
3 Everygy West. It looks like the first witness was Travis
4 Lincoln.

5 MR. STEINER: That's right. Call Travis
6 Lincoln.

7 JUDGE JACOBS: Thank you. You can come up
8 here to this spot, sir. You can take that spot right
9 there. Thank you.

10 (Witness sworn.)

11 JUDGE JACOBS: Is that light on on your
12 microphone? You can just leave it on.

13 THE WITNESS: Yes.

14 JUDGE JACOBS: You can proceed at any time.

15 TRAVIS LINCOLN,
16 called as a witness on behalf of Everygy West, being
17 sworn, testified as follows:

18 DIRECT EXAMINATION BY MR. STEINER:

19 Q. Please state your name and your position at
20 Everygy.

21 A. Travis Lincoln, Director, Metering Operations.

22 Q. Mr. Lincoln, what is your background and
23 experience?

24 A. I'm a professional electrical engineer in the
25 state of Kansas, graduate of Kansas State University

1 with a Bachelor of Science in Electrical Engineering,
2 licensed Master Electrician, and additionally I have an
3 MBA from Friends University.

4 Q. Do you have experience and knowledge regarding
5 AMI meters and their capabilities, performance and
6 safety?

7 A. Yes. In my current role for the last eight
8 years I've gained that knowledge.

9 Q. Please describe Evergy Missouri West's AMI
10 meter program.

11 A. So Evergy Missouri West consists of
12 approximately 300,000 meters or so in that regulatory
13 jurisdiction. The program was initially started with
14 the Legacy KCPL Company in 2014, where approximately
15 600,000 meters were deployed across the entire
16 territory, most recently over the last two years the
17 final AMI where smart meter deployment has occurred with
18 the final 200,000 of the entire population. This
19 project in our metro areas was really kind of a
20 technology refresh.

21 It sounds like we're having some feedback
22 here.

23 JUDGE JACOBS: We're having some trouble on
24 the WebEx side. I apologize. Everyone who is on the
25 WebEx call please mute your line. Whoever just said we

1 are muted, you are not muted.

2 UNIDENTIFIED SPEAKER: Hey, Jana, just to let
3 you know, I'm on my computer but it doesn't have a mike.
4 My phone is muted.

5 JUDGE JACOBS: So I just got information that
6 no one on WebEx had audio. I apologize for the
7 disruption. This was bound to happen. Could someone on
8 WebEx please let me know if you can hear me. Thank you.
9 I understand that at least one person did not have audio
10 and they were able to correct that problem by
11 disconnecting and reconnecting to the call. If any of
12 you have that problem, please do that. I'm also going
13 to ask that everyone who's on the line mute your line,
14 please. We are going to proceed now. Thank you.

15 You can go ahead and proceed with testimony.
16 I apologize.

17 MR. STEINER: That's all right.

18 BY MR. STEINER:

19 Q. Mr. Lincoln, tell us about the RF technology
20 that is used in these AMI meters.

21 A. Yeah, absolutely. We utilize -- Our
22 manufacturer is Landis & Gyr. The radio piece of that
23 is an RF mesh network called Gridstream. So basically
24 what that does is it allows all the meter endpoint
25 devices to transmit their data via RF frequency in the

1 900 megahertz band which is the open spectrum in our
2 world similar to what you would see with a baby monitor
3 or a garage door opener or something like that. So as
4 part of the mesh, each meter can communicate its data
5 back through an additional device to a collecting point.
6 Those collecting points then transmit the meter data
7 from each endpoint back to a central, basically a
8 software system at a network operations center and
9 that's transmitted via commercial cellular network where
10 all the data for each endpoint device is compiled into a
11 dataset and then, you know, reconciled and then passed
12 back to the utility company's software systems for
13 billing information and things like that.

14 Q. So is this RF technology, is it similar to the
15 technology that was used at KCPL for over 20 years with
16 their AMI meters?

17 A. Yeah, that's correct. As I was mentioning in
18 previous comments, many of the meters that we've
19 replaced as our modern upgrade program we're kind of a
20 technology refresh. In the Legacy KCPL metro area, the
21 metering system was a one-way meter read system that
22 utilized RF technology to pass meter data back to the
23 back office.

24 Q. I don't think we've defined it. What does RF
25 stand for?

1 A. Radio frequency.

2 Q. Thank you. And that is different than an EMF
3 frequency; is that correct?

4 A. That's correct. Basically in any device that
5 is energized or consuming electricity is going to
6 produce EMF, electromagnetic forces, you know, similar
7 to even what you would see in this room, the fluorescent
8 lighting. Many devices that are energized are going to
9 produce EMF. So in previous comments it sounded like we
10 were using those terms interchangeably where, yes,
11 they're very closely related but they're two different
12 topics. RF is for communication purposes.

13 Q. Thank you. So a stove would transmit EMFs; is
14 that correct?

15 A. When it's energized.

16 Q. Okay. Would the self-read meter at the
17 complainant's residence, would it have transmitted EMFs?

18 A. Yes.

19 Q. So any powered device by electricity would
20 transmit EMFs; is that correct?

21 A. Correct.

22 Q. Okay. Let's stay on RF technology. Has the
23 FCC approved the use of RF technology in the meters that
24 the company installs?

25 A. Yes.

1 Q. Has Evergy's experience with AMI meters
2 revealed any ill health effects?

3 A. We have not seen that.

4 Q. Any breach of privacy?

5 A. No.

6 Q. Any piracy by third parties?

7 A. No.

8 Q. Has there been any increased threat of fires
9 using AMI meters?

10 A. No. In fact, if I can elaborate on that, the
11 modern meters that we install today have on board
12 temperature sensing detection exactly for that reason.
13 In fact, we found instances where we've, you know,
14 prevented issues like you described.

15 Q. Would the AMI meters also be able to let the
16 company know that the power is out?

17 A. That's correct. There is outage detection.

18 Q. How many formal complaints at Evergy Missouri
19 West have there been since the AMI meter upgrade?

20 A. As far as formal complaints?

21 Q. Yes.

22 A. I believe there's only one, in addition to
23 this one.

24 Q. Okay. And how many informal complaints at
25 either Evergy Missouri West or Evergy Missouri Metro

1 since the AMI meters?

2 A. The information that I have on that shows that
3 there was one informal complaint in 2014, three in 2015
4 and then two in 2016.

5 Q. Would you describe the certifications that the
6 AMI meter has?

7 A. So the AMI meters that we utilize are required
8 to meet an ANSI standard, A-N-S-I.

9 Q. Tell us what that means, please.

10 A. Basically that's an organization that performs
11 rigorous testing on devices to ensure their safety along
12 with their reliability and things of that nature.

13 Q. Okay. And I believe you mentioned that the RF
14 frequency that's used meets all the requirements for FCC
15 certification; is that correct?

16 A. That's correct.

17 Q. So we went over how the meter operates, but I
18 wanted to go a little deeper there. What information is
19 sent by the AMI meter for billing purposes?

20 A. For billing purposes, it would be consumption
21 based data. So that could, you know, involve kilowatt
22 hour measurement on certain interval basis depending on,
23 you know, what rate classification that customer may
24 have. The typical what we would do is have 15-minute
25 interval data that shows that whatever consumption that

1 occurred over that 15-minute interval, so think of it
2 like a bucket, that information though is only gathered
3 four to six times per day from each device.

4 Q. So let me see if I get that straight. In
5 terms of RF frequency being sent, those meters -- AMI
6 meters do not transmit this information constantly.
7 They transmit it four to six times a day; is that
8 correct?

9 A. That's correct. The consumption data is
10 collected four to six times a day. However, if the
11 meter has an alarm event, as I mentioned earlier like
12 heat detection or an outage, those would be a high
13 priority issue and would get transmitted upon when that
14 event occurred.

15 Q. And is there any customer information other
16 than the usage and the meter number transmitted through
17 the RF signals?

18 A. No.

19 Q. No customer information, no name?

20 A. No.

21 Q. The AMI meter doesn't indicate what appliance
22 is using electricity; isn't that correct?

23 A. It does not have that level of intelligence.

24 Q. Do the Evergy AMI meters have unique network
25 IDs that only allow them to be heard on specific Evergy

1 networks?

2 A. Yes, that's correct.

3 Q. And is the data that is transmitted, is it
4 encrypted?

5 A. Yes.

6 Q. Is the data that is sent regarding usage, how
7 is it then transmitted to Evergy?

8 A. Typically that's transmitted over a secure
9 data line similar to what, you know, industry would call
10 a T1 line or virtual private network type situation.

11 Q. Okay. Are the RF emissions from an AMI meter
12 safe?

13 A. Based on all the information and testing that
14 we've seen, you know, across the industry, as well as
15 other communication medias, yes, I'm confident.

16 Q. And could you give us the RF power density
17 levels of a smart meter compared to other common
18 devices?

19 A. Some of the information I have as an example
20 FM radio would be 0.005, the AMI or smart meter 0.1,
21 wi-fi is in the 10 to 20 range, as well as your laptop
22 communication is 10 to 20. Cell phones can range
23 anywhere from 30 to 10,000. A standard walkie-talkie is
24 500 to 42,000. And then microwaves and air is around
25 5,000.

1 Q. So those numbers are what? They're comparing
2 the level of RF levels?

3 A. That's correct. RF density based on frequency
4 over meters squared.

5 Q. Do AMI meters create electromagnetic fields
6 different than other electric devices?

7 A. As mentioned earlier, any device that's
8 energized is going to create EMF. The levels of EMF
9 produced are different for each device.

10 Q. Does an AMI meter have voltage transients? A
11 voltage transient my understanding is a very small power
12 surge.

13 A. Any type of switching operation that occurs
14 can present a voltage transient on the system similar to
15 a bolt of lightening but on a very, very small scale.
16 So any device that's installed or removed there is an
17 opportunity for a voltage transient to occur. Once the
18 device is energized and operating, voltage transients
19 would not normally occur.

20 Q. And I think we already talked about fires. Is
21 there any increased risk of fire with an AMI meter?

22 A. No. In fact, we have, like I mentioned, heat
23 detection on board with these devices now that probably
24 make it safer for the consumer from a fire perspective.

25 Q. Mr. Lincoln, if you know, what are the company

1 standards for how high a meter is set at a house?

2 A. You know, typically our standards used to be
3 around 5'6. We're set up so that an average height
4 meter reader could look at the device and read the
5 meter.

6 Q. Okay. And then just so that we're clear, the
7 meter itself, it fits into customer-owned property. Can
8 you explain how that would work at a customer's house
9 that the wiring and the meter, I may use the wrong term,
10 cage is actually owned by the customer; is that correct?

11 A. Yeah, that's correct. As far as the
12 infrastructure goes, the service point or delivery point
13 is at the meter socket itself. The metering device is
14 owned by the company and the meter socket is equipment
15 that is owned by the customer. The conductor between
16 the transformer and the meter socket is typically owned
17 by the company. So that kind of gives an idea of who
18 owns what.

19 Q. So the company has a standard of, you know,
20 they would like the meter socket to be at the 5 foot
21 level, I can't remember what you said, but it's really
22 up to the customer where they place that meter socket;
23 is that correct?

24 A. That's correct. The meter socket location is
25 really decided by the customer. There are some codes

1 involved in that though with the National Electrical
2 Code, National Electrical Safety Code and things like
3 that that may have some impact on where the meter
4 location is placed.

5 Q. But if that meter socket location wanted to be
6 changed, that would be something that the customer would
7 choose and the customer would pay for; is that correct?

8 A. That's correct. In those instances, we'd
9 certainly be willing to work with the customer on
10 relocation of the meter as long as it is aligned with
11 those codes and anything that the authority having
12 jurisdiction may determine for meter location.

13 Q. I don't recall what exhibit number this is,
14 but it's the spec sheet for the meter.

15 MR. PRINGLE: 102.

16 BY MR. STEINER:

17 Q. The focus meter spec sheet, is that 1 or 2?

18 JUDGE JACOBS: 102.

19 BY MR. STEINER:

20 Q. 102. I thought you said 1 or 2. I was just
21 going to get that into the record through the witness.
22 Can I approach him? He's seen it.

23 JUDGE JACOBS: Sure, if you want to go ahead
24 and show it to him if you need to do that, that's fine.

25 BY MR. STEINER:

1 Q. I'm handing you what has been premarked as
2 Exhibit 102. It's a FOCUS meter specification sheet.
3 Do you see that?

4 A. Yes, I do.

5 Q. Do you recognize it?

6 A. It looks very familiar.

7 JUDGE JACOBS: I want to pause for one moment.
8 I just want to make sure everyone is looking at the same
9 thing. Ms. Edwards, did you find that document?

10 MS. EDWARDS: I show it as Exhibit B, page 4
11 of 6, I believe.

12 MR. STEINER: I apologize. The Exhibit B,
13 this actually came from our answer. If you can ignore
14 the Exhibit B.

15 JUDGE JACOBS: But you have found the correct
16 document it sounds like?

17 MS. EDWARDS: Yes.

18 JUDGE JACOBS: I just wanted to make sure.
19 Thank you. I apologize for the interruption.

20 MS. EDWARDS: Thank you.

21 BY MR. STEINER:

22 Q. Is this the specification sheet of the FOCUS
23 meter that the company employs today?

24 A. Yes.

25 MR. STEINER: I would offer Exhibit 102 into

1 the record.

2 JUDGE JACOBS: So I just have one question
3 about that. It looks like this concerns three different
4 meters, and I apologize if you've already provided this
5 testimony. Is Ms. Edwards' meters one of these specific
6 meters and do you know which one?

7 THE WITNESS: Yeah, it would be the FOCUS AX.

8 JUDGE JACOBS: Okay. So it's the E330 FOCUS
9 AX; is that right?

10 THE WITNESS: Where are you referencing that,
11 Judge?

12 JUDGE JACOBS: It's on the very top. Looks
13 like there's three different possibilities.

14 MS. EDWARDS: That's the E330 FOCUS AX?

15 THE WITNESS: It would be the E350 FOCUS
16 AX-SD.

17 JUDGE JACOBS: Thank you. All right. This
18 exhibit has been offered on to the record. Ms. Edwards,
19 do you have any objections?

20 MS. EDWARDS: I guess I have a question.

21 JUDGE JACOBS: I will let you ask. Is it
22 about this exhibit?

23 MS. EDWARDS: Yes.

24 JUDGE JACOBS: Okay. Go ahead.

25 MS. EDWARDS: On the key benefits over here on

1 the right-hand side it says digital multiplication
2 measurement, and I don't understand what that actually
3 means.

4 THE WITNESS: Digital multiplication
5 measurement.

6 MS. EDWARDS: Right underneath key benefits.

7 THE WITNESS: So basically what that is, it's
8 taking the measurement and then putting it in a digital
9 format. Let me think of how to describe this. The
10 metrology does not change in comparison to an analog
11 meter and it's consistent with other digital meters.
12 It's just utilizing digital technology to get the data
13 in that format, in consumption format.

14 MS. EDWARDS: Does that use the radio
15 frequency to do that?

16 THE WITNESS: No. It's done with hardware and
17 software embedded on the meter.

18 MS. EDWARDS: I do have a question also.

19 JUDGE JACOBS: I mean, do you question whether
20 the Commission should review this document or you just
21 want to ask some more questions about the document,
22 because you can do that when you have an opportunity to
23 question this witness?

24 MS. EDWARDS: I do have some other questions
25 about the safety. So if you will just tell me when I

1 can ask the questions, I'd appreciate it.

2 JUDGE JACOBS: You can ask questions about the
3 meter of this witness when you have an opportunity to do
4 that once his direct testimony is done. Right now all
5 we're talking about is whether the Commission should
6 look at this document, ma'am. Did you have a reason why
7 the Commission should not be looking at this?

8 MS. EDWARDS: I was concerned about the fact
9 that I don't see any -- this was -- there's another page
10 that I found from -- it wasn't offered with your
11 exhibits but it was evidently sent to me by something
12 that you put in there and I had a question about the UL,
13 because one of the things on this piece of paper says
14 the UL has not been put on the meter and it has not been
15 certified by UL.

16 JUDGE JACOBS: So if we're going to continue
17 to talk about this document, we're going to put it on
18 the record. So this is --

19 MR. STEINER: I'm not offering that exhibit,
20 Your Honor.

21 JUDGE JACOBS: You're not offering 102?

22 MR. STEINER: I'm offering the one I just did
23 and one more, but there is one exhibit I'm not going to
24 offer. My witness can definitely be asked about it.

25 JUDGE JACOBS: This is 102?

1 MR. STEINER: 102 is this.

2 JUDGE JACOBS: Yes, that's what we're talking
3 about.

4 MR. STEINER: She's talking about another
5 document.

6 JUDGE JACOBS: So then we're not even
7 addressing that. So right now we're only talking about
8 102.

9 MS. EDWARDS: Okay.

10 JUDGE JACOBS: And it didn't sound to me like
11 you had any objection to the Commission reviewing this
12 document; is that right?

13 MS. EDWARDS: No, I don't have any objections.

14 JUDGE JACOBS: So this is going to be admitted
15 as Evergy's Exhibit 102.

16 (EVERGY'S EXHIBIT 102 WAS RECEIVED INTO
17 EVIDENCE AND MADE A PART OF THIS RECORD.)

18 JUDGE JACOBS: Now that we've gotten that
19 exhibit on the record, you can proceed, Mr. Steiner.

20 MR. STEINER: All right. I need another
21 number help. What about the FCC grant? Is that 103?

22 MR. PRINGLE: Yes. That's 101.

23 BY MR. STEINER:

24 Q. Mr. Lincoln, I'm handing you what's been
25 marked as Exhibit 101. It's the FCC grant and

1 certification. Do you see that?

2 A. Yes, I do.

3 JUDGE JACOBS: Ms. Edwards, have you located
4 this document?

5 MS. EDWARDS: I believe so. Yes, I've got it.

6 BY MR. STEINER:

7 Q. Is this the grant of authorization by the FCC
8 for the meter to use the part of the spectrum for its RF
9 frequency?

10 A. Yes, that's correct.

11 MR. STEINER: With that I would offer Exhibit
12 101 on to the record.

13 JUDGE JACOBS: Ms. Edwards, did you have any
14 objection or reason why you don't think the Commission
15 should consult this document in this case?

16 MS. EDWARDS: I actually think they should
17 consult this document.

18 JUDGE JACOBS: No objection from staff who has
19 been ignored here for some reason for the past few
20 minutes?

21 MR. PRINGLE: No objection from staff.

22 JUDGE JACOBS: Thank you very much. That is
23 Evergy's Exhibit 101 admitted on to the record. Thank
24 you.

25 (EVERGY'S EXHIBIT 101 WAS RECEIVED INTO

1 EVIDENCE AND MADE A PART OF THIS RECORD.)

2 BY MR. STEINER:

3 Q. Mr. Lincoln, there's been some discussion
4 about the 20 centimeter figure that's in Exhibit 101
5 separation distance. Could you tell me what your
6 understanding is of what that requirement is by the FCC?

7 A. Yeah. You know, the 20 centimeters which
8 we've talked about earlier is around 7 to 8 inches or so
9 of clearance, and that measurement is based on testing
10 with the FCC along with that testing being completed in
11 open air. So as we've talked about the location of the
12 meter itself and, you know, having a good understanding
13 that that meter is installed in a socket, there's
14 additional media between Ms. Edwards' location of her
15 bed in the house along with how that radio frequency may
16 be propagated because, you know, it's definitely not
17 passing those radio signals through open air because the
18 meter itself is inside of a can made of carbon steel
19 along with the siding of the home and the additional
20 plywood sheeting and the air gap where the insulation is
21 and the drywall of the home. So that's the only
22 comments I would make around the 20 centimeter
23 requirement.

24 Q. Okay. And if the meter -- if a customer
25 requested that the meter be moved, again, that's up to

1 the customer. They control where the, I want to say the
2 word meter socket, the thing that our meter fits into;
3 is that correct?

4 A. That's correct. Like I mentioned before, we'd
5 have a willingness to work with the customer if they
6 want to relocate, you know, any of the equipment that
7 they have that they own.

8 MR. STEINER: That is all I have. Thank you.

9 JUDGE JACOBS: Okay. Do we have any questions
10 for Mr. Lincoln from staff?

11 MR. PRINGLE: Yes, Your Honor.

12 CROSS-EXAMINATION BY MR. PRINGLE:

13 Q. Good afternoon, Mr. Lincoln.

14 A. Good afternoon.

15 Q. Always a pleasure to meet another Travis. I
16 wanted to start first about your history with AMI
17 safety. How many years did you say you'd been kind of
18 working with AMI meters?

19 A. I've been in my current role for eight years,
20 but that started prior to AMI. The initial
21 installations of AMI for this generation started to
22 occur around the 2012 time frame and those were probably
23 pilot projects that were done around that time. Keep in
24 mind that my experience at that point was with the
25 Westar Energy Company and not KCP&L, but both companies

1 along with the industry in general were kind of
2 mirroring each other during that time.

3 Q. So any differences between the meters from the
4 respective companies it was minimal to none?

5 A. Correct.

6 Q. And you've been here all day today, correct?

7 A. That's correct.

8 Q. You heard some of the earlier witnesses?

9 A. Yes.

10 Q. I just have a few safety questions for you.
11 I've heard a lot of talk of a UL sticker. What is that?

12 A. So UL is an additional standard testing
13 measure for the industry. The devices that support a UL
14 stamp or a UL listing have gone through another rigorous
15 set of testing based on safety standards, reliability,
16 similar to ANSI but again different, just another
17 certification. As I understand, our meter manufacturer
18 does have UL approval for the devices in this family of
19 meters and so we had always been under the impression
20 that our meters were UL listed. However, the recent
21 document that was in question earlier that's not an
22 exhibit or it hasn't been submitted as an exhibit has
23 some verbiage in there that says if it officially
24 doesn't have a UL stamp on it, then it needs to be
25 disregarded. So the only thing I can say to that again

1 we had the understanding that we have a UL listed device
2 but I need to follow up with the manufacturer more to
3 understand exactly the requirements of our devices and
4 the compliance with UL listing.

5 Q. But is there a requirement that meter have
6 both an ANSI certification -- Is it ANSI or ANSI?

7 A. People say it both ways. I say ANSI.

8 Q. An ANSI certification and a UL certification?

9 A. No, that is not required.

10 Q. You know for a fact that your meters do have
11 ANSI certification?

12 A. That's correct.

13 Q. Then also when it comes to the safety of AMI
14 meters, in your history working with those meters are
15 you aware of any hospitalizations arising from a company
16 AMI meter?

17 A. State that one more time, please.

18 Q. Are you aware of any hospitalizations that may
19 have arose from an AMI meter from the company?

20 A. No, not that I'm aware.

21 Q. Are you also aware of the notification process
22 for the meter upgrade that the company did? Like for
23 Ms. Edwards' example, how did the company notify their
24 customers we're going coming to upgrade your meter?

25 A. Yeah. So the standard process was to send out

1 bound communication via postcard to prospective
2 customers that would get an AMI meter and then our
3 standard field process is that when we have the meter
4 scheduled for exchange we go and try to make contact
5 with the customer. If we don't make contact with the
6 customer, we'll go ahead and complete the work if
7 there's access available and things like that. And then
8 leave a door hanger so the customer can understand what
9 happened and what the benefits are that they get, the
10 ability to access their data and things like that.

11 Q. So there should have been a door hanger of
12 some sort left on Ms. Edwards' property?

13 A. That's correct.

14 Q. And then when it comes to the alert, are you
15 aware of any customers who were proactive and called the
16 company saying I don't want this meter?

17 A. If there was, I don't remember any. I'm not
18 saying there wasn't though.

19 MR. PRINGLE: That is all I have, Mr. Lincoln.
20 Thank you very much.

21 THE WITNESS: Thank you.

22 JUDGE JACOBS: Ms. Edwards, you can ask
23 questions of Mr. Lincoln now.

24 MS. EDWARDS: Thank you.

25 CROSS-EXAMINATION BY MS. EDWARDS:

1 Q. You talked about the fact that it's only
2 sending information every 15 minutes, but that's through
3 radio frequency, right?

4 A. That's not correct. The meter is not sending
5 information every 15 minutes. The information is sent
6 every four to six hours unless there is a high priority
7 issue that happens such as an outage or temperature
8 detection or problem with the meter, then that would be
9 a high priority piece of communication that would happen
10 at a moment's notice.

11 Q. So it's not sending readings every 15 minutes?

12 A. Every four to six hours the information is
13 collected.

14 Q. So how often does the meter pulse say in an
15 hour?

16 A. Pulsing isn't the correct terminology.

17 Q. Help me out here.

18 A. The radio -- The radio device on the meter is
19 on all the time. Okay. So like I mentioned, the reason
20 that radio is on is so that if there's a high priority
21 alarm that comes in that information can be transmitted
22 at that time. So, you know, high priorities are
23 transmitted as needed. Consumption data is transmitted
24 four to six hours, every four to six hours.

25 Q. So I can turn off my cell phone and I can turn

1 off my computer, I can turn off my stove, but I can't
2 turn off that meter?

3 A. If you want electricity, you wouldn't be able
4 to turn the meter off. You would have to remove it to
5 turn it off.

6 Q. Right. I get that. When I purchased the home
7 23 years ago, the box or whatever you want to call it
8 for the meter was already there. So if your expert
9 installers came out and found there was a problem with
10 however it was, wherever it was, would have they not
11 brought attention to that?

12 A. It depends on what problem you're talking
13 about.

14 Q. I don't know because I don't know what the
15 problems might be. You talked about the height and
16 everything else. So I'm just not sure what they may be
17 addressing.

18 A. As far as location goes, our installers would
19 not make note of where the meter location is.

20 Q. Okay. The radio device is on all the time?

21 A. You know, I'd like to back up there a little
22 bit though. If there was an access issue related to the
23 meter socket, say someone built a deck and covered up
24 access to get the meter out of the socket, that would
25 certainly be something that our installers would bring

1 up.

2 Q. That's not the situation. Mine is very
3 visible and right there.

4 A. I was just trying to give you an example.

5 MS. EDWARDS: Thank you. I appreciate that.
6 I don't think I have any other questions, Judge.

7 JUDGE JACOBS: Okay. Thank you very much. I
8 don't believe that I have any Commissioners on the line
9 at this time but I can't always tell. So please speak
10 up if you have any questions. I do have a few follow up
11 questions myself.

12 QUESTIONS BY JUDGE JACOBS:

13 Q. So I apologize because as you came up to give
14 your testimony a whole bunch of things started happening
15 and I know that you said that you're an engineer. Did
16 you say what kind of engineer you are?

17 A. Yeah, I'm an electrical engineer.

18 Q. Okay. I would have guessed that but I didn't
19 want to guess. You probably testified that. So thank
20 you. Do you know if Ms. Edwards' meter that has now
21 been installed, the new one that's at her home, has that
22 ever been inspected by the company since this
23 controversy started with her?

24 A. That meter like, no, probably not.

25 Q. So I mean, I don't --

1 A. I'm not aware.

2 Q. I'm not assuming that it would have been, but
3 I just wondered if anyone had come to look at it to make
4 sure it was working correctly.

5 A. I would have to dig into it to see. Maybe our
6 other witness can answer that detail.

7 JUDGE JACOBS: Okay. Thank you.

8 MS. EDWARDS: I do have another question, Your
9 Honor. I'm sorry.

10 JUDGE JACOBS: I'm actually going to give you
11 a chance to ask another question after I'm done with
12 mine.

13 MS. EDWARDS: Thank you.

14 BY JUDGE JACOBS:

15 Q. Okay. So I'm not so great with the metric
16 system. I'll admit it. So 20 centimeters, is that what
17 your reference to about 7 to 8 inches? You translated
18 that for us.

19 A. That's correct.

20 Q. And then we got a document that apparently is
21 issued by the FCC that authorizes the use of radio waves
22 for purposes of transmitting this information from this
23 device; is that right?

24 A. Correct.

25 Q. That particular document says the installation

1 of this should be at least 20 centimeters from people?

2 A. Correct.

3 Q. And you said essentially qualified that saying
4 well, that's an open air installation?

5 A. That's correct. That's directly in front of
6 the meter as you're looking at it.

7 Q. Okay.

8 A. That's the 20 centimeter requirement.

9 Q. Okay. And it isn't -- that is not clear on
10 the face of that document?

11 A. That's correct.

12 Q. And I was confused by that because I thought
13 under what circumstances is there an open air
14 installation of a meter. They're almost always attached
15 to a structure of some kind. To me that seemed like the
16 20 centimeter limitation really didn't mean anything
17 then if you just have to attach it to something and it
18 doesn't apply?

19 A. I was trying to clarify how that measurement
20 was taken. The device itself as you've seen, the
21 electric meter itself fits in a socket, right. It's,
22 you know, covered up with a metal box. So the faceplate
23 that you look at, that's where that 20 centimeters,
24 where that measurement would be. They would consider,
25 you know, if you're within 20 centimeters from the face

1 of that that's the, you know, potentially harmful or
2 whatever that requirement is. So I was trying to kind
3 of clarify that to note exactly what that energy level
4 would be on the back of the meter since it's housed
5 inside of that box, I don't know that answer.

6 Q. Okay. And then are you trying to make the
7 point that that 20 centimeters is measured from the
8 instruments inside the meter case?

9 A. Correct.

10 Q. Okay. So there's some distance sort of here's
11 the meter structure and then there's instruments inside?

12 A. Yeah, inside of the meter itself is where the
13 radio is located.

14 Q. Okay. And so your testimony is that okay,
15 here's that antenna that's inside this meter?

16 A. Correct.

17 Q. And it's inside the meter structure and then
18 this meter structure is stuck on a wall and so are you
19 essentially arguing that there probably is 20
20 centimeters between that, that antenna and where people
21 are inside the house?

22 A. No. I was just commenting on where the
23 measurements were being taken.

24 Q. Okay. Okay. Is your understanding of that 20
25 centimeter provision on the FCC document, do you know if

1 that's related to health and safety?

2 A. I don't.

3 Q. Okay. Do you know if there is an installation
4 requirement that addresses that in Evergy's tariffs?

5 A. Not that I'm aware.

6 Q. Okay. I have a couple notes. I just need to
7 make sure I asked you everything. Thank you. I was
8 hoping and I'll be patient if someone could just tell me
9 what ANSI stands for, because I'll have to go look it up
10 later. I'd rather someone just told me. So if you want
11 to look on Google?

12 A. I believe it's American National Standards
13 Institute.

14 Q. Okay. And then UL, what does that stand for?

15 A. Underwriters Laboratory.

16 Q. And I don't know if you were asked this
17 before. Do you happen to know if Evergy's tariffs
18 require ANSI or UL certification for meters?

19 A. I don't believe it's part of a tariff.

20 Q. All right. Then one other question. Do you
21 happen to know if the postcards that were sent out to
22 customers if they explained how a customer could opt out
23 or if they just told customers new meters are coming,
24 we're upgrading?

25 A. I don't know that.

1 JUDGE JACOBS: Okay. All right. So those
2 were the questions that I had. I think that
3 Commissioners would have spoken up if they had
4 questions. So that takes us back to any recross from
5 staff if you have anything.

6 MR. PRINGLE: One question.

7 RECROSS-EXAMINATION BY MR. PRINGLE:

8 Q. Mr. Lincoln, do you know how thick that carbon
9 steel can is around the radio equipment?

10 A. I'm not certain as to the gauge but it's less
11 than an eighth of an inch thick.

12 MR. PRINGLE: Okay. Thank you.

13 JUDGE JACOBS: Now, Ms. Edwards, it's your
14 turn to proceed if you have additional questions based
15 on what was asked.

16 MS. EDWARDS: I do have additional.

17 RECROSS-EXAMINATION BY MS. EDWARDS:

18 Q. First of all, I'd like to say that the 20
19 centimeters equals 7.84 inches and 6 inches equals 15.24
20 centimeters. I do have a question. I'm not sure you
21 can answer this. Initially when I called or was having
22 conversation with a couple of the representatives of
23 Everygy, and I don't know which man I talked to at this
24 point, I asked the question about surge protectors and I
25 was referring through my notes yesterday and I had

1 forgotten I had written this down. He said no, that if
2 I wanted a surge protector it would have to be
3 protection at a cost to me, and that really surprised me
4 if it is safe --

5 JUDGE JACOBS: Do you have a question for
6 Mr. Lincoln?

7 BY MS. EDWARDS:

8 Q. My question is why are you telling people it's
9 going to be an additional cost to have to make sure that
10 there's a surge protector?

11 A. Yeah, and I'll clarify some of that. So
12 Everygy offers surge protection for customers as an
13 additional service to their basic service. So what
14 surge protection is actually doing is protecting all the
15 equipment in your home from a voltage transient like a
16 lightening strike or things that like.

17 Q. It's a different type of surge. He's not
18 talking about the surge protector actually on the meter?

19 A. There's the surge protector is installed in
20 the meter socket but it is a separate device from the
21 meter.

22 Q. So then I wouldn't have that in my meter?

23 A. You would not have that as a standard, no.

24 Q. Then that was never really explained to me.

25 A. I apologize for that.

1 Q. That to me is a big worry.

2 A. What is the concern? Sorry, I shouldn't
3 question you.

4 Q. The concern is if we had -- from my research
5 what I have learned, and it makes sense to me, that if
6 we had -- say you had to turn down the power for a
7 reason, that we had a storm or whatever and you had to
8 turn it off, that with these meters that they can
9 possibly have these huge surges when the power is put
10 back on and could cause problems to your home or maybe,
11 you know, spark and start a fire and that concerns me.

12 JUDGE JACOBS: So Mr. Lincoln, I'll allow you
13 to treat that as a question. Maybe you could address
14 whether there's a greater risk of that compared to the
15 meter that was previously on her property.

16 THE WITNESS: I don't know that there's any
17 difference from the old meters to the new meters under
18 outage situations. Like I mentioned in earlier
19 testimony, anytime you turn electricity on and off there
20 is the opportunity for a voltage transient to occur. So
21 during an outage situation, say, you know, at the
22 substation level an entire distribution circuit is off,
23 when that is reenergized there is some potential for a
24 voltage transient to occur. On the lines themselves,
25 though, at the distribution level, we have some level of

1 lightening suppression and things like that to protect
2 the system as a whole. But there shouldn't be a
3 technical reason why just because the meter is a digital
4 meter that it would cause a surge under outage
5 conditions.

6 JUDGE JACOBS: Do you have any additional
7 questions for Mr. Lincoln?

8 MS. EDWARDS: No. Thank you.

9 JUDGE JACOBS: Thank you. Okay. So is there
10 any recross -- or redirect, I'm sorry, by Everyg?

11 REDIRECT EXAMINATION BY MR. STEINER:

12 Q. We've been talking a little bit about the
13 surge protection. It's an additional service that
14 customers can buy if they want to, correct?

15 A. That's correct.

16 Q. But the meter that's installed now, the AMI
17 meter, has the same level of surge protection that the
18 old meter that was installed had, correct?

19 A. Actually let's kind of clarify this a little
20 bit further. For a mechanical meter, they did not have
21 any protection in them whatsoever from a voltage
22 transient. Okay. They are susceptible to lightening
23 and other outside forces just like anything else. I
24 will say that the smart meters that we deploy today do
25 have some level of surge protection in them to protect

1 themselves. They're not for a downstream device though
2 like the entire home or anything like that.

3 Q. That's what surge protection would do that
4 would protect the downstream devices?

5 A. That's correct. The additional service that
6 we provide for, you know, voltage suppression, surge
7 protection, whatever you want to call it, protects stuff
8 inside the home.

9 MS. EDWARDS: So is that protection offered to
10 everyone who is told they're getting a smart meter?

11 THE WITNESS: I don't know that we advertise
12 or market that service to everybody, but I mean, we
13 certainly have it available to anybody.

14 MS. EDWARDS: How many people do you think
15 would have enough knowledge to ask about it?

16 THE WITNESS: I don't know.

17 MS. EDWARDS: If I didn't know what I have
18 learned over the past year, I wouldn't have a clue. I
19 would be looking at it that the utility company has come
20 in and done what they tell me they're going to do and I
21 would be trusting and I'm not so trusting any more. I
22 wouldn't have known to have asked that.

23 JUDGE JACOBS: Mr. Steiner, did you complete
24 your redirect?

25 MR. STEINER: I did.

1 MS. EDWARDS: I'm sorry, Your Honor.

2 JUDGE JACOBS: Staff, did you have any
3 additional questions?

4 MR. PRINGLE: Nothing further, Judge.

5 JUDGE JACOBS: And Ms. Edwards, do you have
6 any final questions?

7 MS. EDWARDS: No, thank you.

8 JUDGE JACOBS: All right. Mr. Lincoln, thank
9 you so much. You are excused.

10 (Witness excused.)

11 MR. STEINER: Company calls Brad Walsh.

12 JUDGE JACOBS: Sir, I'm going to swear you in.
13 (Witness sworn.)

14 JUDGE JACOBS: You may proceed.

15 BRAD WALSH,
16 called as a witness in behalf of Every Missouri West,
17 being sworn, testified as follows:

18 DIRECT EXAMINATION BY MR. STEINER:

19 Q. Please state your name and your position at
20 Every.

21 A. Brad Walsh, Supervisor, Measurement
22 Technology.

23 Q. What is your background and experience?

24 A. I've been in the utility industry for over 15
25 years. I've been in billing, contact center,

1 information technology and the last two years I've been
2 metering operations.

3 Q. Mr. Walsh, does the company supply the meter
4 at a customer's property?

5 A. Yes, that's true. Evergy supplies the meter
6 to the customer. We furnish it, install it, maintain
7 it, and under the Evergy Missouri West 5.01(B) rules and
8 regulations it states that the company shall provide,
9 install and maintain the meter at the property and it's
10 supported in the Evergy Missouri West 5.01(B) rules and
11 regulations that the company is going to provide that
12 meter, install it for billing purposes.

13 Q. Mr. Walsh, we heard earlier about the
14 complainant would like to have her old analog meter
15 back. Are those meters made any more?

16 A. They are not.

17 Q. Are those meters consistent with the direction
18 the company is going in terms of billing its customers?

19 A. No, the company is going towards the digital
20 realm of meters and like the rest of the industry is
21 going that way towards AMI I should say smart meters.

22 Q. So the meters can't be purchased any more from
23 suppliers, is that correct, I'm talk about analog
24 meters?

25 A. To my knowledge, I don't believe so.

1 Q. Would you give us the history of the meters
2 used at the complainant's property?

3 A. Sure. So as Ms. Edwards has said, she started
4 service in 1997 at the property in question. The meter
5 that was -- the analog meter that was on there was 33
6 years old when we removed it back in June 21, 2019. And
7 leading up to that there's no record of consistent meter
8 reads from Ms. Edwards in our system. And she was set
9 up as a self-read customer. The company didn't attempt
10 to get reads each month due to the fencing on the
11 property, and around June of 2019 we sent someone out to
12 get a yearly company read because we've been estimating
13 for so long that at that time it was directed to put in
14 an AMI meter if we could get access to the meter.

15 Q. And on that time did the technician obtain an
16 actual read from the old analog meter?

17 A. Yes, they did.

18 Q. Was that meter read used to rebill the
19 complainant for her usage?

20 A. That's correct, yes, the read that was
21 obtained off that old meter was used to rebill the
22 customer I believe from May of 2018 to June of 2019.

23 Q. Mr. Walsh, does the company have an opt-out
24 process for individuals who do not want to be served by
25 an AMI meter?

1 A. Yes, we do, and Ms. Edwards would qualify.

2 Q. How would that process work?

3 A. So Ms. Edwards would need to fill out an
4 application and send in a \$150 initial setup fee. Once
5 those items are received, the company would go out and
6 install a nonstandard meter and then she would be billed
7 a charge of \$45 a month to maintain that nonstandard
8 meter and technology that's out there.

9 Q. So someone is going to have to go out and read
10 that meter if a nonstandard meter is used; is that
11 correct?

12 A. That's correct.

13 Q. Someone from the company?

14 A. Someone from the company, yes. The company is
15 moving towards doing away with self-read customers
16 because of the technology that we have today with the
17 AMI network and meters. The amount of time, effort and
18 money to maintain a self-read customer system or
19 applications doesn't justify the number of customers
20 that we're targeting. We're going towards the AMI
21 network and doing away from the self-read customers.

22 Q. Can you give us an estimate of how many
23 self-read customers are left on the Missouri side of the
24 company?

25 A. I'd say at the best 50.

1 Q. Okay. Will the digital meter that's used for
2 an opt-out customer, will it transmit RF signals?

3 A. No, it will not. Once the digital -- it would
4 be a digital meter put on the property, but the RF
5 communication piece will be disabled.

6 Q. So the alerts for temperature or outage, that
7 would not be part of this meter as well, right; it
8 doesn't transmit anything, correct?

9 A. Correct, there's nothing transmitted from the
10 meter.

11 Q. Okay. And that's why someone has to come read
12 it, right?

13 A. That's correct, yes. We won't know what that
14 meter reads until someone can visually see that.

15 MR. STEINER: Got it. Thank you. That's all
16 I have.

17 JUDGE JACOBS: Okay. Mr. Pringle, do you have
18 questions for Mr. Walsh?

19 MR. PRINGLE: Yes, Judge.

20 CROSS-EXAMINATION BY MR. PRINGLE:

21 Q. Good afternoon, Mr. Walsh.

22 A. Good afternoon.

23 Q. Quick when you were discussing Ms. Edwards'
24 old meter, you talked about a lack of consistent meter
25 reads. What does that mean?

1 A. So in our meter reading system we can tell
2 when a read comes in whether that's from a customer or
3 company or if there's an estimated read. Our meter
4 reading system showed that for 2019 and at minimum 2018
5 there's no reads submitted in our system -- there's no
6 reads in our system that the customer provided.

7 Q. That's supposed to be on a monthly basis?

8 A. That's correct, yes.

9 Q. There were none for 2018 at all?

10 A. Correct.

11 Q. And then are you aware of the procedure for
12 actually I think you testified earlier you are aware of
13 the opt-out procedure for the AMI meters?

14 A. Yes.

15 Q. Are you aware of what language was on the
16 notification about the upgrade that was mailed to
17 customers?

18 A. From what I remember of it, it didn't have any
19 language around opt out. It said hey, we're changing
20 out your meter, we're going to be in your area soon to
21 change out to this new AMI meter. If you have
22 questions, I think it was either a phone number or
23 website to look for more information.

24 Q. I asked this question of Mr. Lincoln. I'm
25 going to ask it to you now. Are you aware of any

1 customer who was proactive upon receiving that
2 notification telling the company I don't want an AMI
3 meter?

4 A. I'm not aware of anyone that contacted us from
5 the time they got it to the time we were going to be out
6 there to exchange it. I don't know.

7 Q. If that were to happen hypothetically, would
8 the company not replace the meter?

9 A. We would replace -- are you saying replace it
10 with an --

11 Q. With an AMI meter.

12 A. So if the customer qualified to not have an
13 AMI meter and they qualified to have a nonstandard meter
14 that we would not put the AMI meter on there if we
15 caught it in time.

16 Q. Would the \$45 a month fee still be added on?

17 A. The \$45 a month would still be there for going
18 out there and reading it every month, yes.

19 Q. And then we've also heard testimony about the
20 policy usually when the meter replacement occurs the
21 company leaves some kind of door hanger or something
22 alerting the customer. Is there any kind of policy to
23 follow up with a customer to make sure they saw that
24 notification?

25 A. There's nothing in place that would follow up

1 the customer.

2 Q. And are you aware off the top of your head
3 what the current proliferation of AMI meters is in
4 Evergy's service territory?

5 A. What was that first part?

6 Q. Like the proliferation. Are we talking now
7 60, 70 percent of residential meters are AMI or where
8 are we at?

9 A. We're probably -- I'd say 85 to 90 percent.
10 We're pretty close to being done with the project that
11 we're under aiming to be done at the end of October that
12 we'll have 99.9 percent of our entire meter population
13 to be AMI.

14 Q. And then are you aware of how many have chosen
15 to opt out since an AMI meter was installed?

16 A. I don't know that number, no. I'll say it's
17 not very many. Twentyish or less.

18 Q. Twentyish. And there's only 50 self-read
19 customers left in the service territory?

20 A. That's a best guess, yes, at most 50 but it's
21 likely a lot smaller.

22 MR. PRINGLE: I have no further questions.
23 Thank you, sir.

24 JUDGE JACOBS: Ms. Edwards.

25 CROSS-EXAMINATION BY MS. EDWARDS:

1 Q. Yes. I'm sorry. I've forgotten your --

2 A. Brad.

3 JUDGE JACOBS: Both of you use your mikes,
4 please.

5 MS. EDWARDS: Yes, thanks. Sorry.

6 BY MS. EDWARDS:

7 Q. Brad, you just testified I believe if I'm
8 reading this correctly, did you just testify that I did
9 not read the meter reading at all in 2018?

10 A. I testified that there's no reads from you in
11 our meter reading system in 2018.

12 Q. That doesn't mean I didn't read them.

13 A. Yes, that's correct.

14 Q. Because I was going to say I couldn't find my
15 2017, they're stored in my barn, but for the first four
16 months before you stopped allowing me to read the meter
17 I sent in my -- I called in my meter reads every month
18 January, February, March, April. After that you would
19 not allow me to call in my meter reads. Why is that?

20 A. That I don't know why that piece happened.
21 I'm not aware of it. I haven't looked into it to
22 investigate and I'm not aware of it.

23 Q. Do you know that I was only being billed on a
24 monthly basis after that happened for my dusk to dawn
25 and I was paying in extra? Are you aware of that that I

1 was paying in additional moneys throughout until I got
2 the bill after the meter was installed?

3 A. I have not looked at your financials to see
4 what you've paid or not paid.

5 Q. Okay. When you talked about the application
6 for the opt-out, are you aware that the application
7 requires me to give away my civil and legal rights?

8 MR. STEINER: I'm going to object to this
9 question as asking for a legal conclusion which this
10 witness may or may not know.

11 JUDGE JACOBS: So Ms. Edwards, you can go
12 ahead and ask Mr. Walsh what he knows about that form
13 and his conclusions or understanding of what you're
14 required to agree to.

15 BY MS. EDWARDS:

16 Q. Are you familiar with the form that they
17 wanted me to sign on that application?

18 A. I'm familiar with it.

19 Q. So that you have seen then or I'm asking you
20 have you seen the phraseology on the application that
21 says I will hold the company harmless?

22 A. I have seen that, yes.

23 Q. Okay. So you do know that I made that
24 objection, I presume?

25 A. You have said that today, yes.

1 Q. Now, you talked about these -- that the analog
2 meters cannot be purchased. Can they be ordered by a
3 simple purchase order from manufacturers who still are
4 manufacturing these?

5 A. That I do not know.

6 MS. EDWARDS: I think that's all I have,
7 Judge.

8 JUDGE JACOBS: Thank you. Okay. I will
9 proceed with asking my questions and then I understand
10 Commissioners may chime in and interrupt me if they have
11 questions they would like to ask.

12 QUESTIONS BY JUDGE JACOBS:

13 Q. So I want to clarify something in regard to
14 what Ms. Edwards or any other opt-out customer would
15 receive if they opt out. They would get a new meter
16 that is not an analog meter; is that right?

17 A. It's a digital meter, but it has all the RF
18 components disabled.

19 Q. Okay. So that poses the question can the RF
20 radio frequency capability of the current meter be
21 disabled remotely?

22 A. That I don't know. I don't know.

23 Q. So is the understanding that whenever a
24 customer opts out from the AMI meter that the company
25 wants to roll out to everyone they get a different meter

1 that then the company must take from the shelves
2 somewhere and go install on that property?

3 A. Yes, because the meters that we have set up
4 for the opt-out customers, they've been in our meter
5 shop, they've been programmed to have the RF
6 communication disabled and they're ready to be deployed
7 wherever needs to be. So we will go take the AMI meter
8 out, install one of these digital meters without the RF
9 communication.

10 Q. Do you happen to know if the digital meter
11 that is installed is one of the type of meters that we
12 had received evidence about today?

13 A. I don't know that.

14 Q. You don't know. Okay. And someone else may
15 have defined AMI, but can you tell me what AMI is?

16 A. It stands for advanced meter infrastructure.

17 Q. Thank you.

18 A. You're welcome.

19 Q. I have a question about the rebilling, and I
20 don't know if you can address this, but perhaps the next
21 witness will be able to. I'm going to give it a shot.
22 In Mr. Steiner's opening you made the argument,
23 Mr. Steiner, that the company could actually rebill for
24 the entire period because there was an error in the
25 billing?

1 MR. STEINER: The tariff limits us to I think
2 it's a year.

3 JUDGE JACOBS: I thought I had heard you say
4 60 months.

5 MR. STEINER: I think that's for our
6 commercial customers. I was mistaken. I believe it's a
7 year. Our next witness is our billing witness. She
8 will say that there was a mistake, we did do 13. We did
9 move it to 12.

10 JUDGE JACOBS: I just wanted to check on that.

11 MR. STEINER: That was my mistake. I'm sorry.

12 JUDGE JACOBS: I just wanted to make sure I
13 didn't misunderstand something. Thank you. That has
14 been clarified.

15 BY JUDGE JACOBS:

16 Q. There's been discussion of the need to submit
17 an application if you would like to opt out. So what
18 are the qualifications to qualify to be an opt-out
19 customer?

20 A. The customer has to be in good standing with
21 us which means they can't have arrearage. They have to
22 maintain a good standing with us. So they have to pay
23 their bill on time. They cannot be cut off for
24 nonpayment. They have to allow us monthly access to the
25 meter to obtain the reads and do any maintenance that's

1 necessary. Those are things that are off the top of my
2 head.

3 Q. Do you happen to know if the company's tariff
4 allows it to refuse a customer who would like to opt
5 out?

6 A. I don't know.

7 Q. You don't know. Okay. And these
8 qualifications of not owing arrears, a person could meet
9 that by simply paying what they owe. No nonpayment
10 however seems like that's a history issue. If I've been
11 late in paying or haven't paid always when I was
12 supposed to, does the company look back at my history
13 for a certain period of time to decide that I'm not
14 eligible to be an opt-out customer?

15 A. Let me clarify that. That would be going
16 forward looking only. So if a customer doesn't pay
17 their bill on time, we go out to turn them off because
18 they haven't paid, at that time we will take the meter,
19 the digital meter off and we'll install an AMI meter
20 going forward.

21 Q. I will speculate, and you can correct me if
22 I'm wrong, but I imagine that's because the AMI meters
23 with the radio frequency allow you to disconnect people
24 without actually sending someone out there?

25 A. As long as that meter has that remote

1 disconnect capability, yes.

2 Q. Okay. And then are these provisions for a
3 customer who can opt out, is this spelled out in a
4 tariff or not?

5 A. I don't know if it's spelled out in a tariff
6 or not.

7 Q. Do you happen to know if the company's tariff
8 allows customers to insist on a self-read arrangement?

9 A. I haven't looked at the current tariff
10 regarding that in a while. So my recollection is dated
11 on self-read customer.

12 Q. So your understanding is there's a tariff that
13 addresses self-read but you're not certain at this point
14 whether customers can decide that they're self-read and
15 demand that arrangement?

16 A. It's been a long time since I've seen anything
17 in the tariff on it. I don't know if that's in the
18 current one or not. I don't know.

19 Q. And I think you had previously testified that
20 the company wants to move away from self-read customers?

21 A. That's correct, because there's extra
22 development within our systems that we need to have to
23 have that enabled to let the customers know the dates
24 that they need to read their meters and things like
25 that. That no longer will be in place.

1 Q. So I have noticed that this case, the
2 documents that have been filed in EFIS at least, have
3 not included a billing history for Ms. Edwards and there
4 haven't been any records that I've been able to see that
5 indicate when self-reads were called in and what period
6 of time she was billed essentially for no usage except
7 for that one light on her property. So I'm hearing
8 testimony on that but I'm not seeing any documents
9 reflecting that. Were those documents provided to staff
10 in their investigation?

11 A. That I don't know.

12 Q. Then we did hear some testimony about what
13 proportion of customers are opting out and how many are
14 self-read, but I don't have any testimony on your
15 service territory and what -- you've said there's 20 or
16 so customers that had opted out perhaps and maybe 50
17 self-read customers? I might be restating that wrong.
18 So certainly I'll look back at the transcript. What
19 customer base -- How many customers are there total that
20 you're taking that 20 or 50 out of?

21 A. So the -- You had it correct. The 20 for the
22 opt out is a -- I'll say the Legacy KCPL territory, so
23 Evergy Missouri West and Evergy Metro area. The number
24 of self-read customers that are still in place that said
25 50 max, that is for the Missouri West area only.

1 Q. Do you happen to know how many customers are
2 served by Missouri West?

3 A. I believe 250,000 roughly, 300,000.

4 Q. 250 to 300 is your estimate?

5 A. I believe so, yes.

6 Q. And then Missouri West plus Metro?

7 A. We're looking at 800,000.

8 Q. Thank you. I could have looked that up but
9 it's a lot easier for me for someone to tell me.

10 A. You're welcome.

11 Q. So I have a question about Ms. Edwards has
12 testified the company stopped sending a helpful little
13 slip that you could use to read your meter. Do you have
14 any information about whether the company stopped
15 sending those?

16 A. I do not, no. That's a different department
17 that handles those.

18 Q. And then we've also heard some discussion of a
19 form that opt-out customers are asked to sign before
20 they opt out. I don't believe that form is anywhere on
21 the record in this case.

22 MR. STEINER: I have copies if you'd like to
23 make an exhibit, Your Honor.

24 JUDGE JACOBS: It would be helpful to me to
25 see that if the company wants to offer that. And then

1 if you could -- even though I didn't want to pass things
2 around.

3 MR. STEINER: It's on our website for people
4 that don't have hard copies of it.

5 JUDGE JACOBS: So I just want to make sure
6 everyone knows what it is.

7 MS. EDWARDS: Excuse me. I believe I have
8 one.

9 MR. STEINER: I have it right here I can give
10 the court reporter.

11 JUDGE JACOBS: Why don't you describe it and
12 then make sure Ms. Edwards knows what it is and Mr.
13 Pringle does.

14 MR. STEINER: It's titled Residential
15 Nonstandard Metering Service Acknowledgment Form. It's
16 a one-page document.

17 JUDGE JACOBS: One page with two sides of
18 material or just one?

19 MR. STEINER: One side.

20 JUDGE JACOBS: Ma'am, Ms. Edwards, is that the
21 same document that you were asked to sign?

22 MS. EDWARDS: That looks like it, yes.

23 JUDGE JACOBS: Mr. Pringle, did you need to
24 see that?

25 MR. PRINGLE: I'll take a quick glance at it.

1 JUDGE JACOBS: Perhaps we can use our witness
2 maybe. Okay. So should this be 103 instead because the
3 UL was not offered? That's breaking my rule. Let's not
4 break my rule.

5 MR. PRINGLE: 104?

6 JUDGE JACOBS: Let's do 104. So this we
7 should label -- what's the top line on that?

8 MR. STEINER: Residential Nonstandard Metering
9 Service Acknowledgment Form.

10 JUDGE JACOBS: Thank you. Ms. Edwards, do you
11 have an objection? I don't think you did. I think I
12 asked you.

13 MS. EDWARDS: No objections.

14 JUDGE JACOBS: Staff?

15 MR. PRINGLE: No objection.

16 JUDGE JACOBS: Thank you. So this will be
17 received as the Company's Exhibit 104. Thank you. You
18 can put it here. We're not too far down the slippery
19 slope yet.

20 (COMPANY'S EXHIBIT 104 WAS RECEIVED INTO
21 EVIDENCE AND MADE A PART OF THIS RECORD.)

22 JUDGE JACOBS: Okay. So I have asked my
23 questions. That means that, staff, if you're ready for
24 any recross, it's your turn.

25 MR. PRINGLE: No questions from staff.

1 JUDGE JACOBS: And Ms. Edwards, now you have
2 an opportunity.

3 MS. EDWARDS: Yes, thank you.

4 RECROSS-EXAMINATION BY MS. EDWARDS:

5 Q. When you were referring to the digital where
6 the RF was disabled, can that be remotely enabled again
7 by your company?

8 A. I don't know that. I don't believe so, but I
9 don't know.

10 Q. Are you aware that in this agreement that I
11 was asked to sign on the application that if I chose to
12 go with an analog they would not do it and they would
13 not do it if I did not sign giving up my legal rights?

14 MR. STEINER: I'm going to object. Are you
15 talking about the Exhibit 104, Ms. Edwards?

16 MS. EDWARDS: Yes.

17 MR. STEINER: Okay. And what was your
18 question?

19 MS. EDWARDS: My question is, is he aware --
20 is Brad aware of the fact that I was told if I chose to
21 go back to the analog meter that I had to sign that and
22 also because of the fact that I was billed all at once
23 for money I really didn't have at the moment that they
24 would not allow me to do a payment plan and I've been a
25 good customer for many years. Were you aware of that?

1 THE WITNESS: No, I was not.

2 MS. EDWARDS: I think that's all I have,
3 Judge.

4 JUDGE JACOBS: Thank you. Any redirect?

5 REDIRECT EXAMINATION BY MR. STEINER:

6 Q. Do you believe it's the case that she was told
7 that she could not have a payment plan if she was an
8 opt-out customer?

9 A. I don't see a reason why she couldn't be on a
10 payment plan and be an opt-out customer. To me I don't
11 quite understand that, because being an opt-out customer
12 you're charged an extra \$45 on top of your normal bill.
13 So I don't know why that would be disqualified if you
14 can choose the opt-out option.

15 Q. Okay. And the extra \$45, that's to pay for
16 the meter reader and all the back office work to enable
17 a nonstandard meter customer to be billed, correct?

18 A. That is correct.

19 Q. And I think when she was asking you questions
20 about Exhibit 104 it was phrased that she would be
21 allowed to become an analog meter customer again.
22 That's not correct, right? A nonstandard meter customer
23 uses a digital meter; is that correct?

24 A. Digital, yes.

25 Q. And you were asked a question by Ms. Edwards

1 about a purchase order for an analog meter. Do you
2 recall that?

3 A. I recall her asking, yes.

4 Q. Would that analog meter be able to interface
5 with our billing system even if it was a nonstandard
6 meter?

7 A. We would have to send someone out to get reads
8 off it. In theory it could be set up in the systems.
9 There again, we'd have to do everything manually to make
10 sure that it's able to bill the customer for correct
11 usage, but I don't know why we couldn't set it up in the
12 system.

13 Q. The readings would be completely different
14 than a digital meter, correct, an analog meter?

15 A. The readings on the display are different,
16 that's correct.

17 MR. STEINER: I think that's all I have.
18 Thank you.

19 JUDGE JACOBS: Unfortunately I need to clarify
20 one thing.

21 QUESTIONS BY JUDGE JACOBS:

22 Q. So you did testify that one of the
23 requirements for being an opt-out customer is that
24 you're a customer in good standing and that included not
25 owing any arrearage. So if you're on a payment plan to

1 pay off some back billing, is that considered owing an
2 arrearage?

3 A. If you're on a payment plan, yes, that would
4 be.

5 Q. So does that mean it actually makes sense that
6 Ms. Edwards was told that she would have to not owe an
7 arrearage if she wanted to opt out?

8 A. It does now, yes.

9 JUDGE JACOBS: That's just -- I wanted to
10 clarify that. So I will ask staff again if staff has
11 anything to ask?

12 MR. PRINGLE: No, Judge.

13 JUDGE JACOBS: Thank you. And Ms. Edwards?

14 MS. EDWARDS: I have one more.

15 FURTHER RECROSS-EXAMINATION BY MS. EDWARDS:

16 Q. Are you aware of any independent studies on
17 safety or health and by that I mean non industry?

18 A. I'm not, no.

19 JUDGE JACOBS: Any final redirect, sir?

20 MR. STEINER: Yes.

21 FURTHER REDIRECT EXAMINATION BY MR. STEINER:

22 Q. Would the next witness be able to better
23 answer the question on if a customer can have a payment
24 plan under a nonstandard meter arrangement?

25 A. Yes.

1 Q. You don't typically deal with customers and
2 their billing arrangements; is that correct?

3 A. I don't deal with the financials, that's
4 correct.

5 MR. STEINER: Thank you.

6 JUDGE JACOBS: Okay. So I believe that you're
7 excused, Mr. Walsh. Thank you very much.

8 (Witness excused.)

9 JUDGE JACOBS: So let's do just five minutes
10 and I will get Ms. Duarte set over here. So it will be
11 strictly five minutes to stretch out, get a breath of
12 fresh air, get a drink of water. We will be back on
13 3:12 everybody on WebEx.

14 (A recess was taken.)

15 JUDGE JACOBS: Okay. So we're ready to
16 proceed with Ms. Duarte. Okay, ma'am.

17 (Witness sworn.)

18 JUDGE JACOBS: Okay. So I am going to tender
19 you to Mr. Steiner for questions.

20 (REPORTER'S NOTE: Judge Jacobs directed the
21 testimony of the following witness, Alisha Duarte, be
22 placed in camera.)
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(In-camera session.)

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17 (REPORTER'S NOTE: At this point, public
18 session resumed.)

19 MR. STEINER: So Your Honor, can I ask a
20 clarification on the exhibit you wanted?

21 JUDGE JACOBS: Yes.

22 MR. STEINER: I think staff says that they
23 have some of the bills, and you wanted the bills from
24 January 2018 to September 11 of 2020. I can coordinate
25 with staff and get a complete set in that time period

1 and make it a late filed exhibit. Is that what you're
2 asking?

3 JUDGE JACOBS: I think that's really the only
4 way we can do this. So I would hope you guys can work
5 together and then file that and then I'll let Ms.
6 Edwards have a period for response if that's necessary
7 and then I will hopefully be able to use that for an
8 order.

9 MR. STEINER: Okay. We'll get a late filed
10 exhibit. I'll work with staff and we'll get something
11 filed.

12 JUDGE JACOBS: I think there's one other
13 factual point that might help us here. That would be an
14 understanding of once the company goes back in and gets
15 that read from the meter what that looks like for
16 average electric consumption. We now have a pretty long
17 period to look at. You can look at 2017, 2018 and 2019
18 to see what this individual is using, and I think that
19 would be helpful for clarification for everyone. Is
20 that something that could be put together? Do you guys
21 understand what I'm talking about?

22 MR. STEINER: I think you're asking once we
23 discovered that she was not getting billed for usage how
24 we estimated her usage?

25 JUDGE JACOBS: Well, not so much asking how

1 you estimated but there was a determination that a
2 certain amount of electricity had been used over a long
3 period. So when you compare that amount of usage with,
4 say, her prior usage, the company had gone there in
5 November of 2017 and had taken a read so it had actual
6 reads that showed actual usage and then it went back in
7 June of 2019 and got its actual reads. That gives you a
8 time frame based not on estimates but on actual reads so
9 that it's possible to show Ms. Edwards what her average
10 usage was, and the reason why I think this might be
11 useful is because Ms. Edwards seems to be raising an
12 issue that that information the company received was not
13 accurate and for some reason her numbers are inflated
14 and I would be curious to see how does 2017 look
15 compared to 2018 and 2019. I'm sure if you can put
16 something together I will give Ms. Edwards a chance to
17 respond to that and I think it would be helpful.

18 MR. STEINER: Actual usage from 2017, 2018 and
19 2019?

20 JUDGE JACOBS: Yes, like if we could compare
21 on an annual basis or monthly.

22 MR. STEINER: Yeah.

23 JUDGE JACOBS: Okay. Does that make sense?

24 MR. PRINGLE: I want to make clear we're going
25 to kind of build DR 10 as a building block for that

1 exhibit and just expand upon the dates we already had
2 and add more to it?

3 JUDGE JACOBS: It sounds like you have some of
4 what I want but you don't have all of it so you need
5 cooperation from the company. So the two of you are
6 going to work together to get the bills, all those
7 bills, but also this is going to take the company's
8 efforts to actually look at what the usage over that
9 time indicates so that we can give Ms. Edwards some
10 information in this Commission order about what the
11 company actually billed her for when you annualize or
12 put it over a month.

13 MR. STEINER: How it compares for usage in the
14 previous and then --

15 JUDGE JACOBS: Right.

16 MR. STEINER: I think we can do that. That is
17 not related to --

18 JUDGE JACOBS: They're really two separate
19 things.

20 MR. STEINER: I'm hearing two separate late
21 filed exhibits.

22 JUDGE JACOBS: They are. And we can decide
23 who they belong to. We can make them the company's
24 exhibits if that is easiest. Then they come from one
25 source. Is that okay with you, Mr. Steiner?

1 MR. STEINER: That's fine. We'll run it by
2 staff before we submit it, and then we'll submit it and
3 Ms. Edwards will have a chance to respond to it.

4 JUDGE JACOBS: Yes. Okay. Thank you. I know
5 this has gone long. I know this has been a long day and
6 I apologize for that, but I appreciate you all sticking
7 it out with me here. So it looks like we're down to
8 staff's witnesses. And it looks like Amanda Coffe was
9 supposed to go first.

10 MR. PRINGLE: Yes, ma'am.

11 JUDGE JACOBS: Amanda has been on video for
12 most of the day it looks like.

13 MR. PRINGLE: Yes. I think is her video black
14 and white?

15 JUDGE JACOBS: Maybe her lighting is just
16 black and white.

17 MS. COFFER: My chair is also black and white
18 so that doesn't help.

19 JUDGE JACOBS: So we have Ms. Amanda Coffe.
20 I'm going to swear you in now.

21 (Witness sworn.)

22 JUDGE JACOBS: Thank you very much. We might
23 have a little bit of feedback on your line or someone
24 else's. We'll just proceed and see how we do.

25 MR. PRINGLE: Thank you, Judge.

1 MS. COFFER: Okay.

2 AMANDA COFFER,
3 called as a witness on behalf of the Staff, being sworn,
4 testified as follows:

5 DIRECT EXAMINATION BY MR. PRINGLE:

6 Q. Good afternoon, Ms. Coffe.

7 A. Good afternoon.

8 Q. Could you please introduce yourself and spell
9 your name for us?

10 A. My name is Amanda Coffe, A-m-a-n-d-a, Coffe,
11 C-o-f-f-e-r.

12 Q. And by whom are you employed?

13 A. The Public Service Commission.

14 Q. In what capacity do you work for the Public
15 Service Commission?

16 A. I'm an Associate Engineer in the Engineering
17 Analysis Department.

18 Q. Did you contribute to the staff report in this
19 matter that has been marked as Exhibit 201?

20 A. I did.

21 Q. And what was your input on that report?

22 A. What was my input on that report?

23 Q. Yes.

24 A. I guess I'm really not sure how to answer
25 that. I looked at the -- I'm sorry. Hold on just a

1 second. I checked to see if the company had violated
2 their tariff and regulations or any statutes.

3 Q. Thank you, Ms. Coffey. Do you have any
4 changes or corrections to the staff report?

5 A. I'm sorry. What was that?

6 Q. Do you have any changes or corrections to your
7 section of the staff report?

8 A. Oh, changes or corrections. My job title has
9 since changed but other than that, no.

10 Q. Does that change materially affect the report
11 in any way?

12 A. No.

13 Q. And the information contained in the staff
14 report labeled Exhibit 201 is true and correct to the
15 best of your belief and knowledge?

16 A. Yes.

17 MR. PRINGLE: At this time, Judge, I would
18 like to enter Staff Exhibit 201 into evidence.

19 JUDGE JACOBS: So this is the staff report
20 that's been in this file since virtually the beginning.
21 Are there any objections to that being included on the
22 record?

23 MS. EDWARDS: No.

24 JUDGE JACOBS: Okay. I hear no objections.
25 So the staff report will be admitted as Exhibit 201.

1 MR. PRINGLE: Thank you, Judge.

2 JUDGE JACOBS: And it should be marked
3 confidential.

4 MR. PRINGLE: Yes, marked confidential in its
5 entirety.

6 (STAFF EXHIBIT 201 WAS RECEIVED INTO EVIDENCE
7 AND MADE A PART OF THIS RECORD.)

8 MR. PRINGLE: With that being said, I offer
9 Ms. Coffey for any cross-examination.

10 JUDGE JACOBS: Okay. We'll proceed with
11 cross-examination by the company if you have any.

12 MR. STEINER: No questions, Your Honor.

13 JUDGE JACOBS: Thank you very much. Ms.
14 Edwards, do you have any questions?

15 MS. EDWARDS: Yes, I do.

16 CROSS-EXAMINATION BY MS. EDWARDS:

17 Q. I don't know if Ms. -- I'm sorry. Is it
18 Tammy?

19 MR. PRINGLE: This is Amanda, Ms. Edwards.

20 MS. EDWARDS: I'm sorry?

21 MR. PRINGLE: This is Amanda.

22 BY MS. EDWARDS:

23 Q. I'm sorry. Amanda, on page 3 of 11 it states
24 that customer was a self meter read and new to testing.
25 The company was not able to obtain regular meter reads.

1 Have you been online all the time watching this hearing?

2 A. I have been.

3 Q. Okay. Well, I would obviously object to that
4 because I did try.

5 A. I'm sorry. You're cutting out a little bit.
6 I can't quite hear you.

7 Q. I'm sorry. I think you probably heard me say
8 that I attempted to make meter reads and was not able
9 to. Let's see. Do you know did they ever estimate my
10 bills during this period of time?

11 A. It was my understanding that they did estimate
12 your bills.

13 Q. They did. During the period of time before
14 the meter -- when they weren't getting meter reads to
15 the time that the new meter was installed, it is your
16 understanding that they were estimating my bill?

17 A. That is my understanding. Tammy would be a
18 better person to ask about that.

19 Q. Then if they were indeed estimating my bill,
20 did they give you any reason why I was not getting a
21 bill for what the estimations were?

22 A. I'm sorry. What was that?

23 JUDGE JACOBS: So there's a lot of strange
24 chatter on your line, Ms. Coffey. I'm not sure what it
25 is, but it doesn't look to me like it's coming from any

1 other line. Are you hearing it?

2 THE WITNESS: No, I don't hear anything on my
3 end.

4 JUDGE JACOBS: Are you using a computer to
5 connect to this today?

6 THE WITNESS: Yes.

7 JUDGE JACOBS: Do you have headphones of some
8 kind that you could plug into the computer?

9 THE WITNESS: Yeah, I can probably.

10 JUDGE JACOBS: Like a set of iPod headphones
11 or anything that can plug into the computer?

12 THE WITNESS: I actually do not think I have
13 any.

14 JUDGE JACOBS: And the only audio connection
15 you have to this right now is the audio through your
16 computer; you're not listening to it on the internet or
17 doing anything else?

18 THE WITNESS: No, it's just my computer.

19 JUDGE JACOBS: Do you have your cell phone
20 sitting right next to it or something?

21 THE WITNESS: I do.

22 JUDGE JACOBS: Maybe you can move it.

23 THE WITNESS: Should I move it?

24 JUDGE JACOBS: Move it far away. That didn't
25 help. It sounds like a rodent. We're all just going to

1 have to endure it. I thought you had a gerbil there.

2 THE WITNESS: Hold on just a second. Did that
3 fix it?

4 JUDGE JACOBS: No.

5 THE WITNESS: Okay, that was my only thought.
6 I have a ceiling fan going.

7 JUDGE JACOBS: Thank you for trying. I'm not
8 sure what it is. Did you shut it off, the ceiling fan?

9 THE WITNESS: I did.

10 JUDGE JACOBS: Okay. If there's anything
11 sitting next to like a Post-It note fluttering or
12 anything like that next to where you think your mike is,
13 that's what it sounds like.

14 THE WITNESS: There is nothing.

15 JUDGE JACOBS: Okay. Let's proceed. I'm
16 sorry. Ms. Edwards, I think you may have forgotten what
17 your question was.

18 MS. EDWARDS: I think I did.

19 BY MS. EDWARDS:

20 Q. So my question is, did they offer any
21 explanation as to if they were estimating this bill
22 during the period when they claim that I wasn't --

23 A. I'm sorry. I can't hear you.

24 Q. Okay. I'll try again. Is that any better? I
25 am a little closer.

1 A. Yes.

2 Q. Okay. Was there any explanation from the
3 company as to why they were not billing me what they
4 thought was an estimated bill?

5 A. I believe Tammy would be a better person to
6 ask about that. To my knowledge, they could not get
7 meter readings and that is why they were estimating it.

8 Q. On page 4 it states the company also denied
9 that it has violated any law, regulation or Commission
10 order or Evergy tariff. When you refer to any law, what
11 laws are you speaking of?

12 A. I am speaking of all the rules and regulations
13 that apply to the Public Service Commission and Evergy.

14 Q. So it would only be to the statutes that are
15 applying to the company and Missouri Public Service, not
16 any --

17 A. Yes.

18 Q. -- not any external Missouri laws?

19 A. No, no.

20 Q. It also says in the second paragraph that the
21 company alleged that the meter was dead. In fact, it
22 was not dead. Did they ever get back to you and tell
23 you that?

24 A. Yes, they did in one of the data requests.

25 Q. In one of the what?

1 A. In one of the -- I made a data request to the
2 company asking about that. I forget which number it
3 was. But they did say that they have no reason to
4 believe that the meter was dead.

5 Q. And when I said that I doubted that much
6 electricity is billed and that she should have an
7 overall credit because she had paid extra in the past,
8 what was their response to that?

9 A. I do not know. I think that would be a better
10 question for Tammy.

11 Q. Further on down it indicates that the company
12 later issued a credit in the amount of \$100.37 for the
13 billing period of April 13 through May 12, 2018. That's
14 the only credit that they gave me. Is that the only
15 credit they gave me?

16 A. That again was a question that you would need
17 to ask Tammy.

18 Q. On page 5 of 11, according to Evergy, the
19 employee who exchanged the meter would have attempted to
20 make contact on the day of exchange at the premise to
21 alert the customer of the employee's presence and to
22 notify the customer of meter exchange.

23 A. I'm sorry. Could you repeat that?

24 Q. Yes. According to Evergy, the employee who
25 exchanged the meter would have attempted to make contact

1 on the day of the exchange at the premise to alert the
2 customer of the employee's presence and to notify the
3 customer of meter exchange. It appears the customer was
4 given inaccurate information about her meter by the
5 customer service representatives. How did Evergy
6 respond to that?

7 A. I don't know. That would be another question
8 for Tammy.

9 Q. So there appears in this report to be several
10 errors that you obviously did not have anything to do
11 with; is that correct?

12 MR. PRINGLE: Object.

13 THE WITNESS: I can't say it's fair but the
14 question that you've asked me for the most part --

15 MS. EDWARDS: I'm sorry. I didn't hear any of
16 that.

17 JUDGE JACOBS: It's not possible for Ms.
18 Coffey to really answer that question because you didn't
19 identify any errors for her to respond to.

20 MS. EDWARDS: Okay. I'm sorry.

21 BY MS. EDWARDS:

22 Q. There's an error that they said they leave
23 door hangers. There were no door hangers left.

24 MR. PRINGLE: Objection, lack of foundation to
25 what are these errors? How does Ms. Edwards know these

1 are errors?

2 JUDGE JACOBS: So Ms. Edwards, it's important
3 to ask this witness questions that she can respond
4 within her own purview. You're asking her a lot of
5 questions about the company that she may not, in fact,
6 be able to respond to.

7 BY MS. EDWARDS:

8 Q. So you cannot respond to the fact that the
9 reading for the entire year of 2018 and half of 2019,
10 that was beyond your purview also?

11 A. I'm sorry. Can you repeat that?

12 Q. Where it says the company did not obtain a
13 reading for the entire year of 2018 and half of 2019, is
14 that something you also cannot address because you
15 didn't know?

16 JUDGE JACOBS: Will you identify what page
17 that's on, please?

18 MS. EDWARDS: I'm sorry. Page 7 of 11.

19 THE WITNESS: I have read that in the report,
20 but Tammy would be a better person to talk to about
21 that.

22 JUDGE JACOBS: Okay. So Amanda, I'm going --
23 I'm sorry. Ms. Coffer, I'm going to ask you to
24 disconnect and reconnect to the call. If you have any
25 televisions, radios or any other electronic equipment

1 running anywhere near your computer, please shut all of
2 that off and give us a reconnection. We'll see if we do
3 better. Thank you.

4 It's clearly that line, because now it's
5 quiet. I'm going to interrupt the previously scheduled
6 program to discuss something so we don't have to discuss
7 it later while we wait for this witness. One thing
8 that's come up is a question from the advisors to the
9 Commission is the issue of other states' approaches to
10 smart meters. We did hear some testimony earlier today
11 that certain states may have taken restrictive action in
12 regard to smart meters.

13 So I think it will be necessary in this case
14 to have post-hearing briefs, and I am asking the parties
15 to help the Commission understand whether restrictions
16 have been imposed in other states. For instance, I know
17 there was testimony, I believe, that Maine had
18 restricted them, and I have received some information
19 that there were further regulatory developments in that
20 state.

21 So it would be helpful, this doesn't have to
22 be something that months and months are spent on, but a
23 general understanding of whether there have been
24 restrictions imposed, and that would be very helpful and
25 the Commission would appreciate that. Can the parties

1 include information like that in post-hearing briefs?

2 MR. STEINER: Yes, Your Honor.

3 MR. PRINGLE: Yes, Judge.

4 JUDGE JACOBS: Thank you so much. Okay.

5 Amanda has a caution symbol next to her. Looks like
6 she's connecting and she has the same problem that she
7 had before.

8 MR. PRINGLE: That warning symbol may be a
9 poor connection.

10 JUDGE JACOBS: Amanda, if you want to just cut
11 your video and just go audio, we'll see if that helps,
12 because you still have that sound on your line and then
13 we'll wrap this up with you. Do you know how to just
14 not use your video? Doesn't make a bit of difference.

15 THE WITNESS: Does that help?

16 JUDGE JACOBS: It actually didn't. You can go
17 ahead and use video if you want. It didn't make a
18 difference. There's definitely some feedback from your
19 line.

20 Okay. So Ms. Edwards, have you asked all the
21 questions you wanted to ask of Ms. Coffey?

22 MS. EDWARDS: I believe so, because it appears
23 that you are kind of in the dark about some of the
24 things and are unable to answer them. So I will cease
25 my questioning.

1 MR. PRINGLE: Objection to that statement,
2 Judge, characterizing my witness as being in the dark
3 about her report. I'd move to strike that.

4 MS. EDWARDS: That's fine. I apologize.

5 MR. PRINGLE: Thank you, Ms. Edwards.

6 JUDGE JACOBS: That comment is being
7 withdrawn?

8 MS. EDWARDS: Yes.

9 JUDGE JACOBS: Okay. We don't have any
10 Commissioners at this time.

11 QUESTIONS BY JUDGE JACOBS:

12 Q. Ms. Coffer, do you happen to know about
13 whether the company's tariffs specifically address
14 placement of the meter?

15 A. No, I do not know.

16 Q. Do you happen to know if the company's tariffs
17 address providing an address?

18 A. I'm sorry. What was that?

19 Q. Do you happen to know -- I don't think we're
20 going to be able to do this.

21 A. I apologize. You keep cutting out for some
22 reason.

23 JUDGE JACOBS: Okay. I'm not going to pursue
24 that.

25 THE WITNESS: I cannot hear you.

1 JUDGE JACOBS: I think what I'll have to do is
2 just proceed with your other witness. I actually think
3 we have technical problems here that are preventing
4 continuing. Ms. Coffey, thank you very much. You're
5 excused today.

6 THE WITNESS: Okay. Thank you.

7 (Witness excused.)

8 JUDGE JACOBS: I'm sorry about that. It looks
9 like Ms. Huber is our last witness. Are we all going to
10 press on? Yes? Okay. Ms. Huber, looks like you are
11 on, and I'm going to swear you in. Let's see. We don't
12 have audio for you right now. You probably have a mute
13 setting somewhere on your device not in the WebEx but in
14 the device. Looks like you're using your phone.

15 MR. PRINGLE: Can you hear? Tammy, can you
16 talk back?

17 JUDGE JACOBS: Can you try to speak to us,
18 please, Ms. Huber? I bet she's reconnecting because
19 she's gone.

20 Okay. So while we're sitting here, we have
21 discussed post-hearing briefs to some degree. It is
22 clear that we're going to want to have those. The
23 transcripts are supposed to be available October 8,
24 because we're being discouraged from expediting
25 transcripts. And so currently we have an order for

1 those briefs by the 15th. Is that going to work for
2 everyone? I'm perfectly fine with extending that to
3 whatever works for you. So would you like to move it
4 out to the 22nd or the 29th for any reason?

5 MR. PRINGLE: I would say I could not do the
6 22nd or the 29th because I'm getting married. That
7 won't work for me.

8 JUDGE JACOBS: Fantastic. So you prefer the
9 15th or you want to go later than that?

10 MR. PRINGLE: I would think -- I'm okay with a
11 week. I'll defer also to Roger what you think.

12 MR. STEINER: Week is fine with me. Ms.
13 Edwards?

14 MS. EDWARDS: I think it's going to take me
15 longer than that, Judge.

16 JUDGE JACOBS: To do?

17 MS. EDWARDS: To do the briefs. You're
18 suggesting that I put some of my legal arguments into
19 the brief and I think it's going to take me a little bit
20 longer. I'd like to do it right.

21 JUDGE JACOBS: Okay. So we originally had it
22 set for the 15th. Moving it out a little bit more is an
23 unreasonable imposition on Mr. Pringle. So how does
24 everyone feel about -- let me pull up a calendar. How
25 does everyone feel about November 16?

1 MS. EDWARDS: That would be fine with me.

2 JUDGE JACOBS: Is that okay?

3 MR. PRINGLE: Works for me, Judge.

4 JUDGE JACOBS: Post-hearing briefs are due
5 November 16, and we didn't have a plan for any reply
6 briefs of any kind. Is that acceptable to everybody? I
7 think everyone should have had their say by then; is
8 that right?

9 All right. So let me go back to Ms. Huber
10 here and see. Ms. Huber, can you hear us?

11 MS. HUBER: I can hear you.

12 JUDGE JACOBS: We can hear you.

13 MS. HUBER: I was going to say it was working
14 fine earlier. It shows I'm off mute. So I don't know
15 what happened. I just called back in. Sorry about
16 that.

17 JUDGE JACOBS: That's okay. You sound good
18 now. I'm going to swear you in.

19 (Witness sworn.)

20 JUDGE JACOBS: Thank you. And Mr. Pringle,
21 you can proceed with your witness.

22 MR. PRINGLE: Thank you, Judge.

23 (REPORTER'S NOTE: Judge Jacobs directed the
24 testimony of the following witness, Tammy Huber, to be
25 placed in camera.)

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1 (REPORTER'S NOTE: At this point, public
2 session resumed.)

3 JUDGE JACOBS: Okay. So I believe we were
4 able to address most of our last minute issues to
5 discuss when we talked about the need for briefs and
6 we've agreed to November 16 for post-hearing briefs. We
7 will not have replies. We're going to have two late
8 filed exhibits, if I'm correct, and those are going to
9 be exhibits of the company but you can all work together
10 to make that happen. And then I will -- I mean, I'll
11 ask you to get those together by October 9. Is that
12 okay or is that too --

13 MR. STEINER: Yes, that's fine, Your Honor.
14 Thank you.

15 JUDGE JACOBS: Okay. So if you get those
16 together by October 9, then when I get myself together
17 I'll issue something about when Ms. Edwards needs to
18 respond and it will be fairly generous response period
19 to accommodate mail and stuff like that. So expect
20 that.

21 I believe we only have those additional
22 exhibits that will be coming in from the company. And
23 those should be marked -- where is my company list?

24 MR. PRINGLE: 104 and 105.

25 JUDGE JACOBS: So they'll be 105 and 106?

1 MR. PRINGLE: 104 and 105, I believe.

2 JUDGE JACOBS: We had a residential
3 nonstandard form that's 104.

4 MR. PRINGLE: We didn't want to break the
5 rule.

6 JUDGE JACOBS: So we're going to do 105 and
7 106. Let's do 105 for billing statements and 106 for
8 this analysis of usage comparing the different periods.

9 MR. STEINER: Yes.

10 JUDGE JACOBS: Okay. All right. And I
11 believe I guess the billing ones certainly would be
12 confidential. We could probably treat the usage
13 analysis as well just to make sure.

14 MR. STEINER: We'll make them both
15 confidential, Your Honor.

16 JUDGE JACOBS: Thank you. So those were the
17 only final matters that I needed to take up with all of
18 you. Did anyone here today -- oh, I'm sure you want to
19 make some final statements possibly.

20 MR. STEINER: I'll put my final statement in
21 the brief, Your Honor.

22 JUDGE JACOBS: Okay. Staff?

23 MR. PRINGLE: I'll be doing the same.

24 JUDGE JACOBS: Ms. Edwards, did you have final
25 statements you wanted to make today?

1 MS. EDWARDS: I think what I would like to say
2 number one is I do believe that Everygy does need the
3 training because the customer service answers are too
4 far and wide to really have gotten straight answers. I
5 really think that's important. I do feel like I will
6 address in the post-hearing brief my legal concerns
7 about my airspace rights, and I think my opinion is that
8 I truly believe that the Commission needs to take a good
9 hard look at what is being allowed and what's going on
10 in our states and in other states.

11 JUDGE JACOBS: Ma'am, does that cover what you
12 wanted to close with today?

13 MS. EDWARDS: I would just like to say I
14 incorporate everything in my original complaints. I
15 stand by those complaints, because I've done tremendous
16 research with learned people and I do believe that
17 Everygy has defaulted because they changed the parameters
18 and I wasn't aware of their change of parameters. So I
19 stand by what I put in my original complaint.

20 JUDGE JACOBS: I just remembered unfortunately
21 at 5:17 that we had tabled the issue of the additional
22 exhibits that you wanted to offer. The problem with
23 those is that I had specifically asked the parties to
24 exchange in advance. This case been has been going on
25 since February. So everyone has had lots of time to get

1 everything together.

2 What are the additional materials that you had
3 apparently but you didn't get the other parties to as
4 potential exhibits?

5 MS. EDWARDS: I think the ones that I didn't
6 bring I wrongly assumed that since I had given the cites
7 that they could go to and that I feel like Everygy should
8 have looked at. I guess I didn't understand I needed to
9 bring a whole -- it appears to me that even if I had Mr.
10 Steiner would have objected because he doesn't seem to
11 feel that some of these documents he can't cross-examine
12 and I can't obviously prove one way or another what
13 somebody is saying.

14 JUDGE JACOBS: So you've concluded that a lot
15 of those documents would have the same problems that
16 some of the exhibits you offered earlier today are going
17 to have?

18 MS. EDWARDS: I believe they would, and so I
19 think I need to address as you have suggested in a
20 post-hearing brief where I can bring up the cases and
21 then that way you or the Commission can find them and
22 read and do what you need to do.

23 JUDGE JACOBS: Okay. All right. So I believe
24 does that conclude your closing today then?

25 MS. EDWARDS: I think so, unless you can think

1 of anything else I should say.

2 JUDGE JACOBS: I can't. Okay. So I believe
3 that we have covered everything we needed to and unless
4 I've forgotten something. The court reporter has
5 signaled.

6 THE COURT REPORTER: Could you state on the
7 record where the in-camera portion is supposed to begin
8 and end?

9 JUDGE JACOBS: Well, it would concern I think
10 all of Ms. Duarte's testimony was where we addressed all
11 of that.

12 MS. STEINER: I'd say Huber as well.

13 MR. PRINGLE: Yeah, Tammy's as well.

14 JUDGE JACOBS: Would you say we should treat
15 Duarte and Huber that way? Okay. Does that work? I
16 apologize that I didn't get on that the way I should
17 have.

18 MR. STEINER: That's where we talked about
19 amounts, et cetera, that I think the complainant would
20 want to have confidential. I would agree with that.

21 MS. EDWARDS: I do have a question on you
22 asked about what some of the other states were doing.
23 So is there a special way you want us to come together
24 and give you that information for the Commission?

25 JUDGE JACOBS: So you'll be filing your own

1 brief; and because mention was made of other states and
2 some claims were made that other states have actually
3 outlawed smart meters is what I heard, I don't know that
4 that's true, I'll have to look at the transcript, but it
5 was something along those lines, it's just the question
6 of what has the regulatory decision been nationally. If
7 there are examples of states that have taken a
8 restrictive view, what specifically are those and what's
9 the status now because my understanding is there was a
10 reference to Maine and perhaps my understanding is there
11 was an inquiry in Maine but I'm not sure that it
12 resulted in exactly what the allegation was. And so I
13 think the Commission would like to know what decisions
14 actually have been made by commissions in regard to
15 smart meters --

16 MS. EDWARDS: Very good.

17 JUDGE JACOBS: -- in other states.

18 MS. EDWARDS: Very good. Thank you so much.

19 JUDGE JACOBS: All right. And unless anyone
20 has anything else I forgot. Okay. Thank you very much.
21 We are now adjourned.

22 (Off the record.)
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CERTIFICATE OF REPORTER

I, Beverly Jean Bentch, RPR, CCR No. 640,
Certified Court Reporter with the firm of Tiger Court
Reporting, LLC, within the State of Missouri, do hereby
certify that I was personally present at the proceedings
had in the above-entitled cause at the time and place
set forth in the caption sheet thereof; that I then and
there took down in Stenotype the proceedings had; and
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Beverly Jean Bentch

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