



Joplin Public Library

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FAX

FILED
January 9, 2026
Data Center
Missouri Public
Service Commission

ATTENTION Intake DATE 1/9/26

COMPANY Case # EC-2026-0150 FAX # 573 526 1500

From: _____ Total pages, including cover sheet 17

Message:

Regulation requested by Staff for Procedural
Notes on Staff's Suspension

Received Time Jan. 9. 2026 11:48AM No. 1948

Glossary of counter claim

COVER SHEET

Response to Staff request for a Regulation upon which to make a claim I.E.

Subsequently Counter CLAIM

The action of opposing party Empire was their interpretation of Regulation that they first in order of operations presented to PSC informal

My claim is a counter claim to that regulation that is Empire's CLAIM

Pg. ZERO "Regulation" Requested by Staff for Procedural

Pg. 1 request for PSC informal Regulation Manager to fetch Empires claim per the specific Regulation involved so that my Claim as a counter claim can proceed via procedural of Cited Regulation requested by Staff

'B'
Pg 2-3 Elaboration of why this Case claim is pursuant as a counter claim in opposition to Empires claim pursuant that Empire firstly provide the desired Regulation that prompted Jay Eastlick to determine the resolve after informal could only be remedied via PSC upholding Empires claim unless I was to pursue Tribunal proceedings in order to counter Empires regulatory based claim. My counter claim derived from Empires claim please go back to that reference point Staff my claim is an opposition to Empires claim referenced Regulation they cited already to Jay@ PSC regulatory. My claim initiated as the Empire cited regulation did not take into account the ADA violation. The purpose of my claim is to suspend Empire until an ADA accommodation is secured c-elaboration pgs 1-2.

ADA Accomidation C - Docket item #8 1/2/2026
item #8 exact pgs. ADA Formal Request @ pgs. B 1-4

This substance of "Federal" Laws cited for Legal Procedural Substantives - State of MO per Supremacy of Federal must adhere ALL Regulations on Utility per PSC to be ADA compliant regardless of Tribunal ALJ Judges jurisdiction.

P.S.C. Mo. No. 6 Sec. 5 Original Sheet No. 11

Canceling P.S.C. Mo. No. _____ Sec. _____ Original Sheet No. _____

For ALL TERRITORY

RULES AND REGULATIONS

- d. In permanent type parks, the park owner or operator may apply for service in the park's name for certain mobile home sites classified and used as "transient locations." The park owner or operator can be the only applicant, and payment of the bills for utility service rendered is the responsibility of the owner or operator. Resale of electric service is prohibited.
- e. In order that the proper rate schedule may be applied to each service location, the park owner or operator will assume responsibility for advising the Company of mobile home movement or equipment changes that affect the eligibility of the meter for special service rate schedules.

G. TERMINATION OF SERVICE

Written or verbal notice of termination must be given by the Customer at an office or call center of the Company. Customer will be responsible for payment for all service used by him/her as determined by final readings of meters on the termination date requested by the Customer. Customer shall not, by such notice, be relieved of any accrued obligations under service contract and applicable rate schedules. In the event that a customer fails to notify the Company, their service responsibility will end when a new customer takes service.

Service through any meter being billed to a mobile home park owner or operator will be terminated at his/her request after proper notice to the occupant. In such cases a reconnection charge will be billed to the park owner or operator upon restoration of service.

H. ADVANCED METERING INFRASTRUCTURE (AMI) OPT-OUT

Customers receiving Residential Service have the option of opting out of AMI meter reading and electing non-standard metering service. In such instances, the two-way communication portion of the AMI meter will be disabled. Alternatively, if requested by the customer, and if a non-AMI meter is available to the Company, a non-AMI meter will remain or be installed. Customers requesting non-standard metering service after initial AMI installation will be charged a one-time setup charge per meter. For all customers requesting non-standard metering service, a monthly recurring Non-Standard Meter Charge will apply.

For customers that chose to opt-out prior to the AMI meter being set (i.e., there is no additional visit to the premises to disable the two-way communication portion or install a non-AMI meter); the one-time setup fee will not be assessed, but the ongoing monthly fee will still be applicable.

In circumstances where a customer has multiple meters at the same premises, the monthly Non-Standard Meter Charge will apply to the first meter, and the monthly Non-Standard Subsequent Meter Charge will apply to all additional meters of that customer located on the same premises.

In the normal course of business, Company replacement of meters may occur. To the extent that a customer denies, either through physical impediments, verbal denial or threats of violence, access to property or metering installation, or fails to establish a suitable time for access, customers will be notified, in writing, that failure to provide access will result in customer being considered an opt-out customer not sooner than 30 days after Company's notice. Company's notification will include information for the customer to understand the financial impact of the opt-out status.

Charges are listed on the Credit Action Fees Schedule CA.

DATE OF ISSUE August 17, 2020 DATE EFFECTIVE September 16, 2020
 ISSUED BY Sheri Richard, Director Rates and Regulatory Affairs, Joplin, MO

FILED
 Missouri Public
 Service Commission
 ER-2019-0374; EN-2021-0038;
 YE-2021-0041

Initial Response to Staff pertaining to the Need to cite a Regulation upon which to base my claim.

The actual role of the claim I made is in declaratory relief of the action of the opposing Counsel's company Empire. It is actually thier CLAIM that they had under Regulation the right to change my service line from Analog to Advanced meter.

The opposing counsel can present the Regulation also. But, in the meantime I have requested that written Claim by Empire given per their claim of the requested Regulation that this entire case revolves around. That Regulation was not asked for when I made the informal complaint? So, It only became a cited Regulation when the advances per response by Empire to PSC were provided in a more legal approach of the Regulation's specificity that Empire made their interpretation of the Regulation and made their CLAIM that their interpretation provided them the right to change my service line from ANALOG due to the Regulation they cited in their interpretation of why they did not have to provide to keep my ANALOG service line.

The CLAIM that I have been making in this was a result of Empire's position of their CLAIM. So, in all my Tribunal is merely a counter claim to their claim. So, why would Staff be insisting that it is my obligation to render the Regulation that was actually the cause of this action as a counter action.

Please defer this first order of operations is to ask opposing counsel as well to respond to what the ORIGINAL claim was that Empire made to PSC informal complaint that EMPIRE cited as the Regulation provding them the right to change my service line without my consent.

From the rationale of my claim it is actually a claim of defense to the counter and oppose the CITATION REGULATION that Empire prompted as their right to pursuit of installing an Advanced meter and in the process changing my line of service with them by removing my ANALOG.

The conditions of which upon the moment of that change constructs an ADA violation. I presented this to them during the informal process and they did not attempt to resolve by administiring an ADA accomidation. From that standpoint I presented the same ADA to Tribunal. The Judge has still not answered if he will reside over the case if opposing counsel will on their on legal team work address the ADA accomidation. Which if so would place ALJ Judge in a role of oversight to make sure that the ADA accomidation is given full time frame and if you will help ensure that the disabled party would be given plenty of ample opportunity to provide sufficent physcian documentation with the party of Empire's legal procedural for ADA accomidation requests.

The Received Time Jan. 9, 2026 11:48AM No. 1948 hereby I would be the main party and the ADA case

would be given time to be recieved by Human Rights commission in MO.

A pg 2 of 2

That until the ADA is entered to Human Rights commission therein the aggressive actions of Empire I had asked for in the onset to cease and decist until proper legal course can be obtained. The Regulation Empire cited to Jay Eastlick at the end of the informal that Regulation did not take into account the ADA Accomidation and as such it is relevant that PSC Tribunal keep this case open as litigation to allow time for the alternate State Commission with proper jurisdiction be secured prior to closing this case. Empire is only to my knowledge being amicable due to the fact that litigation is being secured right now and so any lapse in that security is putting the Disabled person into harms way. As I have told Empire the Analog meter is the ADA meter accomidation. To make any change is to violate ADA.

I'm working on the Regulation for this counter claim through retrival from the original Unit in PSC that recieved that Regulation claim from Empire as thier ticket to advances that contradict the current ADA line of service known as ANALOG service line.

RE: Requesting EMPIRES original written response at the end of Informal Complaint per cited Regulation by Empire

Bpg 1-2

From: **Buffy Peterson** buffy.peterson@empire.com

To: **Jay Eastlick** jay.eastlick@psc.ny.gov

Date: **Fri, Jan 9, 2026, 3:16 AM**

Dear PSC Regulatory Manager; Jay Eastlick,

My original informal complaint was to by the aggression of Empire trying to force a change to my meter that I did not consent to as per Empire wanting to force place a change to my service line from ANALOG meter to a Advanced meter.

Directive from your end requested the ANALOG to if needs be swapping that Empire would provide the same type of meter as I did not consent to change. The request was after 30 days denied under the affirm by Empire that they held a Regulation that they provided.

I went to Tribunal asking for declaratory relief to that proposal of change per that Regulation that Empire was propagating under that Regulation required PSC to override my objection that I did not consent to that Regulation.

In our conversations by phone you had mentioned you could supply me all the written communication that Empire was stating their claim against my current meter ANALOG per that specificity of Regulation.

It is now before the Court Tribunal that the precise Regulation that Empire attributed to their ADVANCED METER would be retrieved by me in order to clarify what Regulation this counter claim of opposition by myself is based upon.

Please respond with copies of Empires claim specifics provided in writing to your end for this case matter is now requesting by STAFF to render the precise Regulation upon which the aggression of Empire is based on a Regulation that was Empires claim which it is that Regulation that I opposed.

Thank you,
Elizabeth Peterson

From: **Eastlick, Jay** jay.eastlick@psc.ny.gov

To: **Buffy Peterson** buffy.peterson@empire.com

Date: **Fri, Jan 9, 2026, 11:04 AM**

AMI Opt-Out Tariff Empire.pdf 928 KB

(i) Elizabeth,

B Pg. 2 of 2

I'm reading this correctly, and based on the voicemail you left for me, you're wanting a copy of the section of Empire's tariff that the company used to justify their type of non-standard electric meter. I've attached that tariff sheet for you. Also, the company cited a section of Missouri statutes 386.820 that defines a "Traditional Meter" (as opposed to a advanced meter or hub meter) as:

"a commercially available meter that is unable to transmit usage information and is only intended to be read by an individual through a visual display. A traditional meter is not designed or capable of transmitting usage data by using radio waves or broadband over power lines, allowing two-way communication between the meter and the utility or its agents, or allowing a utility or its agents to control a customer's thermostat, appliance, or service. A traditional meter does not include an advanced meter that has certain functionality turned off or deactivated;"

If you have further questions regarding the company's tariffs with regard to your formal complaint case, I believe you can reach out directly to the lawyer representing Empire, Dean Cooper, at 573-635-7166 or dcooper@brydonlaw.com. Otherwise, you also can access the tariff via the PSC's EFIS system. Here's a link: [Tariff - YE-2021-0041 - EFIS](#)

I hope that helps.

Regards,

Jay Eastlick

Regulatory Compliance Manager

Consumer Services Department

Missouri Public Service Commission

jay.eastlick@psc.mo.gov

573-751-3160

psc.mo.gov

2 Emails