

Opposing Counsel contention to your ITEM in basket # 20

Specifically on your list pg. 4 item #12 Describes a PROJECTING implication to define the Authority and the entirety of the PSC as a creature of simple function.

However, the requirements of new technology of Advanced meters is a very Broad jurisdiction and it includes the distinguishment of EMF must be carried out by the State Utility Regulator's Jurisdiction. If that jurisdiction is being boxed into the Tariff that is the pocket per your position is to lead and to be projecting upon the ALJ Judge that in fact he has by your final conclusion on pg. 5 Item #18 been deemed through your pervasive insistence to literally constrict the role of the PSC Tribunal ALJ Judge to stay within boundaries of your limitations you are implying. That is speculation.

The Full Scope of the Commission is to provide in General terms safe services to the public. The Role of Congress and other Federal entity Agencies have already established that in fact these three Federal Entities of supremacy governance both FCC and FDA as Agencies as well as DOE Agency have literally designated some ground rules for State Utility Commission's roles since the invention of Electric Utility meters required this designation transpire. Many aspects of that permission to bring Electric meters triggered the Federal to literally delegate that these matters should seek Federal guidance but be directly handled with the Consumer by the role of the State Utility Commission.

The DOE under Energy 10 rules in fact states that no Consumer can be forced to opt in to the Advanced meters. It is the role of PSC to enforce this at state level. The guidance is Federal however, the complaint is to be delegated to the State Utility Commission. If Vendor's are getting aggressive to try to force Electric Advanced meters which produce EMF upon Consumer's that was the purpose of opt out. However, the Vendor's have acquired a knack for extinguishing the role of accessibility to Mechanical meters that are not including a circuit board. The circuit board can emit wireless so that one gets a red sticker that is FCC stamped. However, the FCC is not where this complaint belongs as the FCC literally delegated in their terms with Congress not to handle this type of Industry as Utility complaints from Consumer's directly. I would have taken this case out with the FCC if they had designated themselves as the proper jurisdiction however they did not and they delegated it to the State Utility Commission for direct Consumer complaints on one of the versions in your Tariff. The other version in your Tariff is also not the role of the FDA who does general localized electronic radiation. This is the non RF Advanced meter it gets a white sticker and it is approved by the UL private international industry which does not do field testing of the usage application. The FDA radiation testing is comparable to the FCC radiation testing which is for the red sticker in that only the FCC has actually written and provided some general guidance of EMF emissions. That guidance is observable as valid enough to DOE to ensure that Utility Industry understood no EMF emitting Advanced meter would categorically be allowed to by Utility industry be forced upon the Consumer. That is why DOE bothered to note that exceptions would be to opt out. The type of meter that EMPIRE is trying to force upon myself as the Consumer emits EMF; ELF.

Your response to this request to admit that it does was in fact defiance to the role of the jurisdiction of the ALJ Judge who has oversight as delegated by FCC on EMF at the state level of jurisdiction. Since, we know it emits EMF; ELF the ALJ Judge is well within his authority as he is not a just a creature of citing statute as his function. The scope of expansion to EMF is procured upon his role as his function and his objective was to get an answer which your ability to regard his question with response of you cannot say or that your pg. 5 item # 14 that an Analog is not in statute has no relevance to the question of whether your non standard meter emits EMF;ELF.

The pg. 5 item #16 that is the verbage of the *amend that is not current the current statute does not contain the wording a commercially available meter. That is premature to the enactment of the new *amend added by Vendors and I am petitioning that *amend added as it in contrast to the purpose of the New Rule which was to remove Advanced meters so thta Consumers could choose Safe Mechanical meters this new rule was due to the way in which many Consumer's consent was extinguished when Vendor's and including your Vendor Empire took meters off when Consumers were not at home and this was done without consent of the Consumers. I have several examples I can confirm in my own region per my Senator White at the time had to step in and help those who reached out to me in timely manner to report their lack of consent obtained by the Empire. The fee's to remove were exhorbatant and quoted to Consumer's but PSC never heard those complaints as Senator White stepped in directly with your Vendor Empire at that time and informed that in fact the swapping back would be done without charge to the Consumer. This is something ex-Sentor Bill White could be subpeona for if your Empire records do

now show the incidences.

My point is the Vendor *amend you are citing on pg. 5 item #16 is the revised statute that is actually not changed to include the wording of commercially available until full promulgation on Aug 2026 of the new rule. In the meantime Empire needs to start requesting of your Manufacturers to resume producing Mechanical meters as by August it is my intention to have my petition heard and the * amend will be to clarify that once the Advanced meter is removed a NON EMF;ELF emitting meter will be the Consumer's choice as D.O.E. Energy 10 already defined these opt out's are up to the Consumer. The Consumer is not dictated to by the Vendor nor is our consent possible to eliminate and as such any Tariff that reflects to remove consent must be worked around by the ALJ Judge one by one as long as this Tariff is seen for it's fractional role in the Full Scope of the function of the quote projecting a leading that you as opposing counsel are purporting to tell the Judge his jurisdiction limitations. This suits your purpose to avoid the obvious question that you are avoiding with misdirection towards misleading the judge's jurisdiction in hopes that one case citation will eliminate the intrusion of Advanced meter's as equipment that does emit EMF.

If you need citations of what DOE 10 Energy states I will provide upon request and if you need to know why this case does belong with the PSC to discuss EMF as the role of the PSC jurisdiction and if you are in continuance of avoiding the question on EMF. I would find you in contempt of court.