

Glossary of 14 pages entry submissions based on Pg. # and paragraphs Citations

Pg.1 #1 Regulatory in this CASE presumed Constitutional and has via due process been "Contested" status of OX-2026-0180 will procure an obligatory "appeal due process" 386.500 submit of motion was complete by effective date of March 27, 2026.

Pg. 1 #2 term RULE In general as Chapt. 536,RSMo 1986 does not include a determination, decision or order in a Contested rule; ss 536.010(4)(d),RSMo 1986 the proceeding requires a hearing outcome "after a hearing" is provided ss 536.010(2) due process must be obliged to render a Contested RULE's applicability upon this CASE

Pg. 1 #3 Contested Rule of Regulatory effective date of April 30, 2026; 20 CSR-4240-10.035 is relevant to Rule applicability as status as a "contested rule"

Pg. 1 #4 Motion to appeal was completed on the "Contested Rule Case" separate case via motion for appeal 386.500 or additionally via motion 386.510 motion for rehearing per a transfer to AHC;Administrative Hearing Commission.

pg.2 #4 MO Nat'l.Educ. Assoc. v MO ST Board of Mediation, 695 S.W.2d at 987 law is presumed constitutional unless it clearly contravenes some Constitutional provision Prokoph v Whaley, 592 S.W.2d 819,824(Mo.banc 1980) party to prove unconstitutional will show rule invalid and also immediate life threatening injury sustainable as result of enforcement. Harrison v. Monroe County, 716 S.W.2d 263,266 (Mo banc 1986)

pg.2 #5 this private case supports the Contested Rule Case as the basis of Rule enforcement fulfilling both requirements of Constitutional grounds evidenced. As the rule as Regulatory is a contradictory upon tariff provisions v statute and a myriad along with the Life threatening immediacy if the rule is enforced.

pg. 2 & 3 #6 motion to appeal denial to proceed upon the Rule contested Case matter as in TANDEM with the Emergency unconstitutional life threatening status exists and requires a "post hearing outcome" of Contested case matter is critical to this private case's rule by which to rule upon.

pg. 3 #7 TANDEM need to somewhat consolidate this case with Contested RULE into one CASE with a sub CASE of this case in order of operations going lastly to rule upon

pg. 4 #8 Motion to Dismiss by Opposing Counsel my Contentions to his chronological #no's of items of his pg 4 items #11,#12, #13 and pg. 5 # item in regard to statute with amend capricious clause regarding a contingency of Commercially available MY CONTENTION is his item #13

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clarifying states that "IF" a Consumer REQUESTS an advance meter non standard meter **4th sentence in the Tariff portion

pg. 4 #9 Contention is that Consumer is not obligated to request an Advanced meter "if"

pg. 4 #9 Capricious Clause my contention is Consumer consent is applicable to detour the clause as an ANALOG request is an ANALOG request the Regulator must find the Analog be accessible and provide a means for Commercial availability Consumer right

pg. 5 #10 **4th sentence in Tariff "IF" Consumer requests my contention is Consumer is not requesting an Advanced meter and if refusal to accept one enforces a MANDATE then this has sufficient evidence now to address that is what is effectively the outcome

pg. 5 #11 The Capricious clause of Commercial Availability rule in statute created a HEALTH & SAFETY proponent violation as Consumer contends that health and excessive cost is undue burden of these ADVANCED METERS ALL ADVANCED METERS. HANCOCKS LAW would be effective upon any MANDATE enforcement by Rule.

pg. 5 # 12 PSC was appealed to at hearing OX-2026-0045 to make ANALOGS available for health & Safety public demanded the Proponent of medical necessity per ANALOG

pg. 6 #13 If RULE requires Commercially available the role of Regulator to ensure a provision of Medical source via an executive order accompany that there will be manufacturing of Analogs to align with the Capricious clause Commercial Available

pg. 6 #14 1991 MO Caselaw STATE v Public Service COM'N of the State this case incites that HEALTH & SAFETY proponents in Rule of Regulatory is Supremacy and so it renders that in both of my cases as TANDEM the hierarchy of that PROPONENT takes presidency overall despite any cost concerns relevance to the EMF that is emit from ALL ADVANCED METERS as necessary to EMERGENCY address in the status of the CONTESTED RULE Case as Highly noting that current Rule is unconstitutional as it does not consider HEALTH of these equipment as EMF emitting toxic pollutant that is life threatening hazardous that sustains unto death stroke of heart issue consumer's.

pg 6 & 7 # 15 Capricious clause of Commercial Availability contradicts ** sentence #4 in *Tariff* that states "IF" Consumer requests an Advanced meter Opposing Counsel is implicating himself by use of contradiction in the Regulatory as the Regulatory has numerous unconstitutionally vague in the myriad of contradictions of the interplay embedded within the Rules of the Regulatory.

Pg. 7 # 16 Opposing Counsel cannot have it both ways as he attempts to defend that he does not have to produce a like for like ANALOG to the Consumer upon request.

pg.7 # 17 Opposing Counsel is asserting there is no claim and that my case be dismissed. My Claim is that Vendor wants to replace my meter and I have requested that it be like for like ANALOG. I contend that I have not requested an Advanced meter and asked the Tribunal for declaratory relief as the Vendor is attempting to unconstitutionally and with immediate life threatening sustainable to death by stroke assert that as the Vendor he is duly authorized to enforce upon the Consumer an ADVANCED METER WITH EMF EMIT AS A HEALTH & SAFETY VIOLATION supported by this case's claim as well as supported by the CONTESTED RULE's CASE in TANDEM.

pg. 7 & 8 # 18 this claim case is in regard to the malign of Regulatory to uphold fundamental function of the proponent of HEALTH & SAFETY of equipment used by Vendor's as to be conducive to that vital proponent that is omitted to be via Rule and that means this Regulatory in full scope on Constitutional Grounds of these TANDEM cases that must be given due process until then this case shall not be DISMISSED it is pending that per that the rule is status of a "CONTESTED RULE" being the alter Contesting of the Regulatory as a tandem case.

pg. 7 # 20 The Claim is valid it is more than been stated this is a matter that relies on the state regulatory contested matter tandem case. IF this case is dismissed the outcome will be unconstitutional grounds of enforcement per The immediate danger of sustaining direct injury as a result of that enforcement of the contested RULE. *Harrison v Monroe County, 716 S.W.2d 263, 266*

Pg. 9 # 21 Judge of COM'N. of the state is not acting beyond his jurisdiction but rather waiting for the Rule to become Constitutionally sound...

Pg. 9 #22 If Judge enforces the Advanced meter immediately enforcement of a MANDATE will transpire as the rule becomes effectively a MANDATE upon execution of the forcing without Consumer request of consent will occur due to unconstitutional rules. However, that force carries the weight of a MANDATE and status is currently non subsidized so it cannot be enforced as a MANDATE in it's current status it cannot be enforced at ALL by the Judge.

Pg. 9 & 10 #23 Health Risk of the Capricious Clause created a false non subsidized mandate.

Pg. 10 #24 The Opposing Counsel has refused to oblige the Consumer request for an ANALOG and cannot operate to serve a mandate upon his Vendor's authority as the Regulator's rule is unconstitutionally vague.

Pg. 10 # 25 Duly promulgated MO NAT'L. Educ. Assoc. v MO State Board of Mediation, 695 S.W.2d at 897 constitutes that the rule is presumed unless it contravenes some constitutional provision Prokoph v Whatley 592 S.W.2d 819,824 (Mo. banc 1980) I have with evidence shown the EMF emit from the Advanced meter is life threatening.

Pg. 10 # 26 Capricious Clause contradicts the Tariff ** sentence #4 and this rule is only presumed constitutional until Contesting of the Rule hearing.

Pg. 11 # 26 Opposing Counsel's Item #12 pg. 4 claims that Judge is a creature of Statute and yet if statutes are contrived to fit the Vendor's benefit and now in status as a CONTESTED STATUTE the Judge is not bound to said statute as it is being contested and it is not presumed constitutional until the Contested case hearing outcome.

Pg. 11 # 27 Vendors must cater to Consumer's request and Consent to demands of ANALOG as cost effective and safe. The Regulator's rules cannot defy the proponent of SAFETY & HEALTH based on supply scheme

Pg. 11 # 28 The Capricious Clause effectively shows that in this private Case Vendor will use the rule against the Consumer and insist it is constitutional. However, if Judge enforces that presumption it executes a Mandate and HANCOCKS RULES ensue will be the first rule of order to be amended in the Rule and Regulatory per the Contested Rule's CASE is only growing in a list of unconstitutional vaguenesses in the Rule. But, at this point it would be implausible to enforce the mandate action by the judge upholding the Vendor's claim that Advanced meters will be forced upon Consumers without request without consent despite safety and life threatening injury and without state subsidization of the forced mandate of enforcing that Advanced meters shall due to the capricious clause be enforceable upon the Consumer without proper due process of contesting the Rule which also lacks state subsidization of that enforcement enacted

Pg. 12 #29 Hancocks law undue burden upon Consumers to be forced upon by Advanced meters as a mandatory compliance. The additional SAFETY & HEALTH

proponent of that Mandate will be pursuant to liability of sustained injury from the EMF due to the unconstitutional mandate. Physicians request of wavier will constitute that the Mandate cannot be without an exceptions process wavier.

**Pg. 12 # 30 Executive order Medical source of Trump for Ventilators to require that Manufacturers provide Commerical supply. Will be also an expectation of Capricious clause regards to Commercially available as the liability of the state to provide that Clause be ANALOG per accessible with Commerical Suppliers
Analog suppliers must be state executed order**

Pg. 12 # 31 The STATE ex rel. Dail v. Public Service Commission, 240 Mo. App. 250,203, S.W. 2d 491,497 (1947) The power to make rules includes the power to alter them and determine resonable policy of interpretation and application of such rules The Judge might need to use discretion to require the necessary role of the Regulator to insist the contested Tandem case be obliged in order to correct Rules that are unconstitutionally vague and that cause if enforced life threatening detriment.

Pg. 13 # 32 This CASE shall not be Dismissed Hancocks Law prevents a mandatory ruling upon the status of this plausible Mandate without proper subsidization no rule can be construde as mandatorially enforceable against the Consent of the Consumer who is asking for declaratory relief. The need of Analog is a resonable request upon the Vendor in light of medical need.

Motion to appeal Motion to Dismiss OVERALL in LIEU OF the

Pgph #1 Current Petition CASE OX-2026-0180 this case independently serves to preserve the sanctity and cause of this original CASE EC-2026-0150 in regard to Rules of all proponents existing or omit that are relevant for subjection by which for Judge to rule upon basis of incompleteness of that proceeding of which the Commission is a party as the Petition Case has not concluded to a hearing and a law or *new rule* as **Regulatory** can only be presumed constitutional. Since the **Regulatory** is being contested the rules are currently contested and therefore the **Regulatory** and its rules are considered inconclusive by which to rule upon them with whilst in due process of being currently **contested** rules of **Regulatory**.

Pgph #2 The term "rule" as used in Chapter 536, RSMo 1986, does not include a determination, decision or order in a "Contested" case. ss 536.010(4)(d), RSMo 1986 1986. A "contested case" is defined under ss 536.010.(2), RSMo 1986, as "a proceeding before an agency in which legal rights, duties or privileges of specific parties are required by law to be determined after a hearing"

Pgph #3 My Petition case as a Contested caselaw revolving around the existing and promulgatory of Full Scope of the Advanced Meter's **Regulatory** effective April 30, 2026 as 20 CSR-4240-10.035.

Pgph #4 Based on My latest appeal prerogatives under 386.500 option of appeal I could put in an appeal the Petition based on this submission on that case by March 28, 2026 request of that appeal option and or transfer motion to AHC; Administrative Hearing Commission **OR**

Pgph #4 OR at this juncture, Duly promulgated rules of a state Administrative Agency have the force and effect of law. **Missouri National Education Association v. Missouri State Board of Mediation, 695 S.W.2d at 897.** A statute or law is presumed constitutional and will not be held otherwise unless it clearly contravenes some constitutional provision. **Prokopf v. Whaley, 592 S.W.2d 819,824 (Mo. banc 1980)** In order to have standing to challenge an Administrative rule on Constitutional grounds, a party must show not only that the statute or rule is invalid, but that he has sustained or is immediately in danger of sustaining some direct injury as the result of its enforcement. **Harrison v. Monroe County, 716 S.W.2d 263, 266 (Mo banc 1986)**

Pgph #5 My private case supports the Petition CASE and the Petition CASE details aggressively that to a degree the Regulatory is ridden with interplay that contradicts and a new clause as embedded into the statute or as a rule is invalid as contradictory unto itself in Full scope as Regulatory interplay is not cohesive. I also show that the **omit of SAFETY & HEALTH proponent is omit in the Regulatory is actual invalidating the function of that proponent which must exist in regulatory and as such is unconstitutionally vague to such an egregious extent that it is causing a Life threatening to immediately pose public harm injury as furtherment of unconstitutional need for safe meter equipment known as ANALOG to be accessible to the Public for HEALTH & Safety must not be omitted in addressing these Advanced Meters as highly known for EMF in all ADVANCED meters whereby options to have safe equipment must be publicly accessible immediately.**

Pgph #6 I would in fact like to address that regardless of said option to

appeal via 386.500 that in fact there is already a declared EMERGENCY level Constitutional life threatening Unconstitutional invalidity to the entirety of the Rules of the Regulatory in full scope as the Regulatory has omitted addressing specifically EMF in existing emission relationship of Advanced meter Regulatory in regards to the Function of Safety and Health proponent as a fundamental requirement of oversight that again has no bearing on the Regulatory Effective date of April 30, 2026.

Pgph #7 In this case as well as the Petition Case in both matters the SAFETY & HEALTH of the Public is being placed in a Life threatening manner to take an alternative, non standard Advanced meter, that is proved already in the public comment hearing by an EMRS EXPERT testimony that in fact the non RF Advanced meter is emitting EMF;ELF and therefore poses that the public will be immediately placed in danger due to heart stroke and cancer remission environmental detratement upon the household of this public Consumer in this private case and public who would benefit from the Petition Case. The Regulatory as constitutionally vague is noted throughout numerous aspects of these tandem cases. The EMERGENCY medical concerns of the SAFETY of the Advanced Meter Regulatory is proved as not only invalid Regulatory but also Life threatening to those who Physcians have written statement and conditions as well as the EMRS Expert who appeared at the Public Comment HEARING. The Public has more than fulfilled the requirement to proceed to have due process of the the Petition CASE and in so doing that places a conditional upon the Private case as the Rule of the Regulatory is considered CONTESTED Rule of Regulatory.

Pgph #7 Motion to appeal Motion to Dismiss: CONTENTIONS Opposing

Counsel pg. 4 Items #11, #12, #13 Along with supportive pg. 5 Item # in regards to quoting Cite of Statute 386.820 Clause in regard to "COMMERCIALY AVAILABLE" opposing counsel's #11 As the complainant I have stated the Claim that the Vendor is trying to force a meter that I did not request. In Counsel's item #13 he is ****4th sentence reciting...straight from the Regulatory Tariff portion that... Alternately IF "REQUESTED" by Consumer** the Vendor can substitute an Advanced non standard meter.

Pgph #8 MY CONTENTION is that as the Consumer Complainant I nor my Household have Done any REQUEST as the Consumer to that end there has been no Consumer initiated request which is a method of consent required first prior to an alternate from the like to like.

Pgph #9 It is also supported by Counsel that on pg. 5 he is reciting said statute as somehow in a capricious manner that enacts a mandate of somekind is implied in that clause within the statute that goes into effect on April 30, 2026 whereby in a premature manner Counsel is securing that he currently and in the future will be under no further obligation to fetch a like for like Analog for the Consumer upon Consumer request. As we know I as the Consumer only asked for the like to like per the Vendor has been the one who has originally complained that the current Analog although fully functional is operationally 2% slower than optimum. Therefore, the Vendor has been insisting by their dominion over this fact that the compromise is somehow a compliance issue that the Vendor needs enforced by PSC regardless of the Consumer's as the paramount party of Consent to proceed as the complaint did not derive from the Consumer, but rather the Vendor.

Pgph #10 If the Vendor is the actual complaintant who is insisting upon not repairing the meter, but rather replacing it. The boundary's of the PSC as to yes provide declaratory relief from the forced presumption that the Consumer will be construed as the one whom is in a violation currently or in the future for refusal to be mandated to take an alternate is not in the regulatory Tariff please read again I reiterate sentence **4th which requires only IF THE CONSUMER REQUESTS an alternate.

Pgph #11 Herein I must interject that eventually, the Commission must address that there is not a MANDATE generated by the new clause which only requires the Vendor to seek from Commercially availability. IF that is what Commission wants to do and allow that Vendors are not required to seek like for like in the particulars of the CASE matter. It must be extrapolated immediately that IF the clause has the force to enact as a Mandate that I object to Commission upholding such a Capricious Clause of commercial availability. Hancocks Law prescribes that if the STATE enacts a Mandate even through a capricious CLAUSE I.E. commercially available and if the STATE does not likewise provide an assist to the cost increase upon the Consumers opt to find Analog quality safe and lower cost price point alternatives via Commission's assist to literally render accessibility for HEALTH & Safety and cost burden. If Commission does not seek in the Regulatory a venue by which to likewise on behalf of the Public render a way for Consumer to locate a like for like ANALOG regardless of the Vendor's Commercial availability clause then the Clause itself does not serve the Public's behalf whatsoever.

Pgph #12 The Commission was appealed to during the Public Comment period of OX-2026-0045 whereby the public did demand the proponent

of HEALTH & SAFETY revolved around the need for Analog accessibility for medical reasons.

Pgph #13 The Commission would not either need to attain via a 3rd party role within the STATE Government an adjacent executive order to also make Analogs commercially available or else the Commission would need to themselves take a role to locate Analogs as assistive medically necessary tool of the Commission as the one's whose regulatory has been very catering towards the Vendor to relax and only procur meters from commercial suppliers.

Pgph #14 That CLAUSE IF it is enforced by PSC to in fact in this particulars of this case prevent the ability for the Consumer to locate with the assist of the PSC to open up a similiar vantage point for the Consumer whereby to locate per PSC intervention the like for like. Then in fact at that juncture if PSC is forcing the Consumer without the Request of the Consumer to have no choice at all that is literally PSC enacting a MANDATE. Clear cut Mandates are generally used for proponents in Regulatory that are deemed in merit of Saftey & Health 1991 MO Caselaw State v Public Service COM'n of the STATE. which that case only ensued for safety rationale that the public as the Consumer's of the the STATE were posed to accept a mandate due to Safety & Health of Regulatory. In this current case matter the SAFETY & HEALTH of the Public is being placed in a Life threatening manner to take an alternative that is provable of EMF;ELF and therefore dangerous to the public Consumer in this private case.

Pgph #15 Again, so Hancocks law is being determined in this CASE specifically is the Judge attempting to gain a Mandate by his utilization of the regulatory's Capricious CLAUSE and also by the statute's use of

that Capricious Clause? If the ruling of the Judge is a STATE mandate that requires that without requesting a non standard meter, that due to the clause the Vendor does not need to supply one, then the undue burden would be upon the state if they intend to enforce this non standard meter upon the non consenting Consumer. That is a contradiction to Sentence ****#4** which requires that alternately "IF" the Consumer requests a non standard meter in opposing counsels implicating himself to abide by that word "IF"..

Pgph #16 ^{Opposing} ~~Co~~-Counsel cannot have it both ways he cannot both use the Tariff cited in sentence #4 and then contradict it that in fact the clause of Commercially available exempts the Vendor from locating a like for like. AS, both cannot be true at the same time.

Pgph #17 The initialization of the CLAIM was a form of a propositional that the Vendor held first person the claim to take my ANALOG meter without due process. In this Claim therein is the underlying that my claim is a form of a Counterclaim to the Vendor whose position is that is the causation of this CLAIM FOR DECLARATORY RELIEF. My CASE is derived from the attempts of Vendor to impose that they in person had the right to show up and swap a meter. The STATING OF MY CLAIM is as a declaratory relief from these aggressions of the VENDOR. The Vendor has not been amicable the Vendor is still insistent that SAFTEY & HEALTH are irrelevant as long as the words EMF are not literally broached in the current regulatory and therefore Opposing counsel is in a hurry to dismiss that due process is of merit in MY CLAIM for declaratory relief from the false presumption that Vendor's aggressive attempts have led me to file police reports.

Pgph #18 The Claim is about the omit of disregard to HEALTH & Safety

and the fact that my Consumer consent will not be provided for the alternate non standard meter, regardless of the capricious CLAUSE embedded in the statute. If Vendor neither repairs or relaxes about the 2 % decrease in speed of the current retained ANALOG, Then Vendor must commit to locate a like for like replace under current extenuating circumstances of life threatening Constitutional objection. I have repeated declaratory that any interpretation by Opposing Counsel to place that the Consumer be dismissed and not be given due process in order to provide not only evidence that I have challenged the statute and the Tariff and the clause of the Regulatory in a separate case opened in defense that alter Petition case serves as the conditional of **Contested Rule by myself as the one who will first prove the rule as unconstitutional** grounds that this my claim will not be dismissed.

Pgph # 20 There is many contradictions of these proponents interplay and that there is also thereby evidence that these proponents collectively are invalid. I have now further evidence through Medical confidential records that The rules are simultaneously on Constitutional Grounds per the Consumer in this case as well as the one to benefit from the Petition CASE OX-2026-0180 will is in fact in **immediate DANGER of sustaining direct injury as a result of the enforcement thereof. Harrison v Monroe County, 716 S.W.2d 263,266 (MO. banc 1986)**. If the Judge rules by an interpretation position with dismissal of this CASE that effect will render irreparable harm injury impact that causes the disable person in this CASES household to sustain a stroke due to EMF;ELF. I myself will due to the same EMF become out of Cancer remission due to those dangerous frequencies which are now recordable to 20 Hz. which is close to the Schuman Resonance than

ever before detectable. This latest update of state of the art equipment my EMRS expert has acquired the training and the equipment to read in an evaluation of the the electromagnetic frequency that is generated by the non standard meter that Opposing Counsel is attempting to dismiss this case so that his Vendor can thereby inflict injury upon the person's who have not Requested the alternate Advanced metering. **The Claim is valid It is more than been stated as a STATE Regulatory contested matter.**

Pgph #21 If the state is going to side with Opposing counsel then the STATE as the COM'N. PSC of the STATE is acting beyond it's jurisdiction even with regard to this Vendor's agreement of Advanced Meter Regulatory as the clause in the statute is capricious and the rule (s) embedded in Regulatory constitutionally vague.

Pgph #22 The STATE of MO has through Vendors interpretation and via the vagueness of the rule (s) effectively declared a MANDATE that all of MO Consumer's must oblige Vendors permissively to install Since, this is new clause in the Advanced meter Regulatory is not derived from an actual authentic STATE MANDATE no STATE MANDATE to extinguish Analogs via Consumer request. If the presumption is this rule is constitutional and the STATE enforces this action then synchronicity occurs that a Mandate per PSC is exists and that PSC Regulatory is making their own MANDATE and as such will be liable for the COST BURDEN as it shall not be the Consumer's cost burden. The Consumer did not request the Advanced meters and therefore shall not be liable for that aggrecious undue extreme rate increase of cost burden.

Pgph #23 HEALTH RISKS. IF the PSC enacts the clause of Commercially available from the burden of the Vendor that is one thing but to turn

also and Mandate to the Consumer is completely another.

Pgph #24 The Opposing Counsel seems to be trying to force the PSC to enforce a Mandate upon the Consumer via invalid statute clauses which contradicts the **Tariff Sentence *4 cited above** within the Regulatory's clauses within the Statute as a Capricious Clause and it's interplay with the Tariff sentence *4 only IF Consumer requests a non standard meter would one be provided. I see nothing that the Opposing Counsel has shown as merit to DISMISS this case.

Pgph #25 I must also cite that duly promulgating of PSC rules under **Missouri National Education Association v Missouri State Board of Mediation, 695 S.W.2d at 897** constitute that a statute or law is "presumed" constitutional and will not be held otherwise unless it clearly contravenes some constitutional provision. **Prokoph v. Whatley, 592 S.W.2d 819,824 (Mo. banc 1980)** whereby I have a constitutional challenge per the Life threatening aspects to forcing an advanced meter upon arise of a stroke ensuing is relative to Life threatening aspect.

Pgph #26 The new rule's statute capricious clause Commercial available contingency is **Capricious as a contingency and contradicts sentence *4 cited above.** The Advanced Meter Regulatory cannot be contrite in regards to the Fundemenatl Function of Regulatory which is generally based upon concerns of HEALTH & SAFETY of the public which is clear in STATE v COM'n of the STATE I already cited how important health and safety are to be provisioned paramount in the PROPENCY of Regulatory as the current promulgatory is insufficient to properly include that PROPONENT required that is grounds to not DISSMISS this case as the cited statute by Opposing Counsel is only "presumed" as constitutional in it's overall interplay and interpretation that opposing Counsel is

attempting to subject the Consumer to be dismissed is in fact due to the Regulatory overallly omit of Proponent of Safety & Health currently in the midst of promulatory already constitutionally vague. By the derivities of Regulatory's function to uphold HEALTH & SAFTEY foremost the effort of due process must proceed upon this Complainant's right of due process it shall not be dismissed.

Pgph #26 Opposing Counsel's item #12 pg. 4 PSC COM'N a creature of statutes only enabling them by which to rule upon Contention to item #12 the statutes can only enable IF the statutes are contrivid and not open ended to their Constitutionality a statute is only "presumed" constitutional.

Pgph #27 It appears to be deliberate that Vendors want to only seek commercial suppliers as thereby securing that only Advanced meters will be obtained by Vendors. This for Vendor's provides a work around to any expectaion of an exceptions process by which the Consumer can request Regulatory to prioritize Health & Saftey and supply Analogs.

Pgph #28 This clause was intitiated by Vendor's to PSC staff and has provided Vendors a new vantage point per the clause extinguishes the ANALOG's as a known non Commercially avialble lower cost metering. If the PSC of the STATE enforces that Consumer consent is plausible to also be deprived by such a mandate that is Constitutionally vague. To clarify then if STATE compels consumer's to a mandate that is not based on HEALTH and SAFETY proponent of regulatory function, but rather recklessly renders no oversight to address HEATLH & SAFETY. Subsequently if COM'N. of the STATE mandates to compel in this Tribunal to enact a Mandate that will cost burden the Consumer then that **mandate under HANCOCKS LAW** would require that the COM'N of

the STATE is therefore as the one mandating the liable party for the COST increase burden. By Hancock's a subsidized **Mandate will begin from such liberties of the COM'N's own Regulatory and thereby the STATE will bear the burden of the cost increase** that incremental going forward shall not be the burden of the Consumer.

pgph #29 The Consumer in fact is seeking that the STATE will utilize in the Regulatory an external requirement of the STATE. The State will for medical needs based compliance be Constitutional bound to find a medical source reasons of health & safety as manufacturing accompanying executive order to compel that a Manufacturing executive order be expedited for the Constitutional aspects of this Life threatening risk that the scarcity of ANALOGS and the medically necessary Consumer's whose physicians require these for their patients be provided as no mandate can dissolve a medical complaint of life threatening status.

Pgph # 30 The executive orders of Trump were clear during covid to get Ventilators manufactured due to scarcity. There is no time when scarcity will be disregarded as permissible when the fact of metering for ENERGY is an essential need of Consumers who must have accessibility to safe metering that is physician approved and that will not be Advanced meters as they emit EMF.

Pgph #31 The power to make rules includes the power to alter them and to determine any reasonable policy of interpretation and application of such rules. **STATE ex rel. Dail v. Public Service Commission, 240 Mo. App. 250, 203, S.W.2d 491,497 (1947)** The fact that opposing Counsel is interpreting the new rules to his Vendor's vantage point does not secure that the applicable case citation used has boxed in the Judge to

also interpret the Opposing Counsel's position of the Regulatory's applicability which I have cited as **contradictive in nature *sentence 4 as the contradiction to the opposing Counsel's positioning his interpretation and then attempting to lure the Judge to see the Vendor's vantage point whilst Opposing Counsel is also "implicating" himself by his actually positioning this "aligns" with the Tariff? Upon close inspection we can see that this misaligns per clarification in *4 is precise "If" the Consumer requests..**

Pgph #32 This Case it is imperative that the Opposing Counsel stop insisting that regardless if the Consumer requests the non standard meter that somehow the Judge can shoe horn through the Opposing Counsel's vantage point with the Clause of Commercially available as a contradiction to the sentence *#4 which again proves that the statute's new added clause does contradict the already prior existing sentence #4 "IF" and only IF the Consumer requests a non standard meter then one shall be provided. Now, if it later goes on to say that a substitute shall be rendered the wording omitted the substitute overall vantage point of the Consumer which is the non **ADVANCED METER** meter known as the **ANALOG**. Nowhere in Regulatory does it scientifically denounce that an Analog is not the Consumers requestable alternative unless the contingency of availability as a Capricious part of the **STATUTE's** clause of Commercially availability would have also subscribed to the Mandatory obligation of unsubsidized Mandates' per Hancocks law to base a choice off of supply and then cost burden the Consumer by scarcity within the Regulatory's framework as contrived by the Vendor's influence in this latest Clause placed an immediate threat of Undue cost burden upon the Public. Which I have already previously cited in this case.

Pgph # 33 opposing counsel's interpretation is not incorporated into the rules and do not constitute rules themselves. The fact that interpretations were provided by Opposing Counsel does not constitute the rules themselves. The fact that the opinion was presented by Co-Counsel does not render the newest clause as the rule to detour sentence *#4 as omit of the power of Consumer Consent which is actually the basis for this CLAIM. The Consumer did not consent the Vendor is insisting the Consumer must consent to a non standard meter. The new Clause in the statute Commercially available is not an offset to sentence *#4 but rather the Opposing Counsel is actually contradicting himself from his opinionate vantage point of interpretation.

Pgph # 34 It is in my petition case that the Commission acted unlawfully in adopting in the clause in the statue in regard to Commercially available when adopting and voting on the new rules amend to add the clause into the statute. The Commissions order of rule making was invalid and that was is in my petition CASE that petition is between the Public and the PSC COM'N. of the STATE. **It is SS 536.021 that specifically relates to the procedure applicable to state agencies when making, amending, or rescinding rules. But, as my Petition was founded on alter citations this is just one more to additionally add now heretofore.**