

Glossary of Submission on Request for motion to appeal the denial of due process for CASE OX-2026-0180 Petition CASE

PG. #1 Motion of appeal RSMo 386.500

Motion of appeal RSMo 386.510 for REHEARING

for effective date of March 27, 2026

Commission Denial based on premture grounds

Petitioner appeal based on Constitutional grounds

1) Rules embedded in Regulatory are **constitutionally vague and interplay of tariff with statute is contradictory unto the rules.** The provisions have been or are threatened to be enforced against the public to their detriment which clearly contravenes the constitutional right of HEALTH & Safety and therefore constitutes as invalid rule (s) embedded in Regulatory. **c- Missouri National Education Association v. Missouri State Board of Mediation, 695 S.W.2d at 897. statute only presumed constitutional** I.E. 386.820 clause embeds rule of "Commercially available" as a contignecy that new added clause is a "Caprcious" Clause that violates obligation of Regulatory to render the Public accessiblity to safe meters as Analogs. It forces that even IF the Consumer does not request Advanced meter (s) that due to commercial availability capricious clause that the Rule of the Clause embedded in the statute serves constitutional presumption as SAFE and capable of being compulsory to the Consumer by virtues of supplier Commercial **preferences** of the Vendor. If the rule is enforced that is HANCOCKS LAW and as such is currently unsubsidized by the STATE for the cost increase to the Consumer who by constitutional rights did not request Advanced meters?

2) The rules embedded in Regulatory are an immediate threat of of danger of sustaining a direct injury as the result of the rules embeddeds' in the Regulatory in regard to safety of Advanced meter EMF will sustain injury as a result of enforcement of forcing or mandating Advanced meters upon said person as

medically proven and EMF as scientifically measurable and provided at public comment hearing testimony by EMRS expert as well intirety of private case as a tandem case need to this evidence thereof. Harrison v. Monroe County, 716 S.W.2d 263, 266 (Mo.banc 1986)

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PG. #2 Reviews the Tandem cases purpose as the supportive case of evidence as to how the harm injury will become immediate according to the interpretations of the Vendors who will aggressively attempt to require like a mandate that Consumer's take the Advanced meters without having the constitutional requirement of the consumers consent in proper perspective. This also overrides the authority of the Regulator to enduce this type of Regulatory as governmental overreach is ensued as the Consumer's health & Safety proponent of Regulatory is paramount and largely absence in the current new rules and existing rules of the Regulator.

**MOTION** Based on My latest appeal perrogatives under 386.500 I have selected for the option of appeal I appeal the Petition based on this submission on that case by March 27, 2026 request of this appeal option is for an immediate **rehearing under 386.510** transfer motion, which if denied will be requesting transfer to AHC; Administrative Hearing Commission

Motion to appeal Motion of prematurity as prematurity fails under Constitutional grounds.. OVERALL in LIEU OF the at this juncture,Duly promulgated rules of a state Administrative Agency have the force and effect of law. **Missouri National Education 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)**

I have formalized a request to put a tandem legal transfer to bind these two cases in an effort to give a injunctional inter locutory upon the original case which requires the contested Regulatory hearing firstly recieve due process and hearing outcome.

Current Petition CASE OX-2026-0180 this case independently serves to preserve the sanctity and cause of the 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 now 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.

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"

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.

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 to such an egregious extent that it is causing a life threatening need for safe meter equipment known as ANALOG to be accessible to the Public for HEALTH & Safety. Analogs must not be omitted in addressing the option be required to render Regulatory means of accessibility as per with the

alternatives of these Advanced Meters as dangerous and cost undue burden increase also. The Consumer cannot constitutionally be subjected to metering that is highly known for EMF in all ADVANCED meters whereby options to have safe equipment must be publicly accessible immediately.

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 which commission quoted as premature in petitioning this Regulatory.

I will separately upload the medical confidential file indicative of Life Threatening. I will also upload the latest file of the private case which contains multiple MO case citations inducted into this case as evidence of what the Vendor's are utilizing as their vantage points due to the invalid rules embedded in this Regulatory that create loop holes whereby the Regulatory only serves the party of the Vendors and in so doing that Vendor and Regulator interpretation serves as evidence of the by product of the vague unconstitutional rules embedded in this Regulatory 20-CSR 4240-10.035 to the detriment of the trigger of Public life threatening immediate harms way as the bias of the the invalid rules of policy are embedded in throughout the interplay of the Regulatory and the absence of SAFETY AND HEALTH proponent in regard to EMF of these Advanced meters as calculable and emissions of toxic environmental harm impact injury. The cost factors of any

mandate implications would also be the burden of the state should these invalid rules become applicable by way of the Judge in a Tribunal with the Commission against the Vendor and that is the purpose of having these two CASES serve in tandem.