

OFFICIAL FILE
ILLINOIS COMMERCE COMMISSION

ORIGINAL

For Commission Use Only:
Case: 16-0382

FORMAL COMPLAINT

Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, Illinois 62701

RECEIVED

AUG 01 2016

Regarding a complaint by (Person making the complaint):

KRISTINA BARTH

Against (Utility name):

AMEREN ILLINOIS

ILLINOIS COMMERCE COMMISSION
CHIEF CLERK'S OFFICE

As to (Reason for complaint)

THE FAILURE OF AMEREN TO COMPLY WITH ICC
REGULATIONS REGARDING METERING AND SPECIFICALLY

"SMART METERS". ON MAY 10, 2016 AN AMEREN AGENT
ARRIVED AT OUR HOME AND STATED THAT HE WAS HERE TO REPLACE
OUR ELECTRIC METER. THIS WAS THE FIRST TIME THAT WE WERE

in PEORIA Illinois.

CONTINUED ON
EXTRA SHEET

TO THE ILLINOIS COMMERCE COMMISSION, SPRINGFIELD, ILLINOIS:

My complete mailing address is (include City)

958 S. TONTI CIRCLE PEORIA, ILLINOIS

The service address that I am complaining about is

958 S. TONTI CIRCLE PEORIA, ILLINOIS

My home telephone is

[309] 713-2822

Between 8:30 A.M. and 5:00 P.M. weekdays, I can be reached at

[309] 713-6232

My e-mail address is

Kb0366@YANOO.COM

I will accept documents by electronic means (e-mail) Yes

No

(Full name of utility company) AMEREN ILLINOIS/AMEREN CORPORATION
to the provisions of the Illinois Public Utilities Act.

(respondent) is a public utility and is subject

In the space below, list the specific section of the law, Commission rule(s), or utility tariffs that you think is involved with your complaint.

WE BELIEVE THAT OUR COMPLAINT/INQUIRY INVOLVES

THE REGULATIONS AS PUBLISHED ON FEB 26TH 2014 AND SEPT 4, 2014
(EXPANDED UPON IN EXTRA SHEET)

Have you contacted the Consumer Services Division of the Illinois Commerce Commission about your complaint?

Yes No

Has your complaint filed with that office been closed?

Yes No

Please state your complaint briefly. Number each of the paragraphs. Please include time period and dollar amounts involved with your complaint. Use an extra sheet of paper if needed.

OUR COMPLAINT INVOLVES AMEREN'S REFUSAL TO COMPLY WITH THE PUBLISHED REGULATIONS AS DETERMINED BY THE ICC SPECIFICALLY DEALING WITH "SMART" OR "ADVANCED" METERING. THIS MATTER WAS EXPANDED ON IN OUR ATTACHED SHEET.

Please clearly state what you want the Commission to do in this case: ALLOW US THE USE OF A MECHANICAL ANALOG METER AS PER ICC REGULATIONS.

NOTICE: If personal information (such as a social security number or a bank account number) is contained in this complaint form or provided later in this proceeding, you should submit both a public copy and a confidential copy of the document. Any personal information (Social Security Number, Driver's License Number, Medical Records, etc.) contained in the public copy should be obscured or removed from the document prior to its submission to the Chief Clerk's office. Any personal information contained in the confidential copy should remain legible. If personal information is provided in your public copy, be advised that it will be available on the internet through the Commission's e-Docket website. The confidential copy of any filing you make, however, will only be available to Commission employees. If you file both a public and confidential version of a document, clearly mark them as such.

Today's Date: 7.28.2016
(Month, day, year)

Complainant's Signature: [Handwritten Signature]

If an attorney will represent you, please give the attorney's name, address, telephone number, and e-mail address.

When you finish filling out this complaint form, you need to file the original with the Commission's Chief Clerk. When filing the original complaint, be sure to include one copy of the original complaint for each utility company complained about (referred to as respondents).

VERIFICATION

A notary public must witness the completion of this part of the form.

I, Kristina M. BARTH, Complainant, first being duly sworn, say that I have read the above petition and know what it says. The contents of this petition are true to the best of my knowledge.

[Handwritten Signature]
Complainant's Signature

Subscribed and sworn/affirmed to before me on (month, day, year) 7/28/2016.

[Handwritten Signature]
Signature, Notary Public, Illinois



NOTE: Failure to answer all of the questions on this form may result in this form being returned without processing.



continued from front page:

were made aware that there was a problem. Our existing safe analog meter simply malfunctioned as all devices are eventually prone to after many years of faithful and accurate readings.

At that time, we declined to have the "smart meter" (ie: advanced meter) installed and we made the Ameren agent/employee aware that we wish to remain in compliance with the ICC regulations that state that we may retain the use of an analog metering device at least until the 2018 full deployment of what is now being described by Ameren as "advanced metering". The Ameren agent/employee stated that he understood and said that he was "going back to the shop to get an analog meter". That agent/employee left and we never heard from him again.

Since that time, we have made multiple attempts to work with Ameren via telephone conversations and written notices sent registered US Postal Service. We have thus far been prevented from remaining in compliance with ICC regulations as published on their website via news releases of the commissions "findings" and "rulings".

To be clear, we only wish to protect our health. We do not intend to create any controversy and only wish to remain in peace and in compliance with the regulations as published by the ICC.

We believe the facts to be that the Illinois Commerce Commission sets forth the regulations that the public utilities in Illinois the State must follow and that the utilities themselves do not determine these regulations nor whether or not they shall comply with them.

Having failed to reach a resolution with Ameren, we contacted the ICC on June 30 2016 AD via telephone and spoke with Ken Kirchner asking him for clarification about the accuracy regarding our understanding of the specific definitions of what a "smart meter" and what an "advanced meter" was/is according to the ICC and further explained our problem with Amerens refusal to comply with ICC regulations. While he at that time declined to confirm or deny anything regarding the issue at hand, he did advise that he felt we had sufficient cause to file an informal complaint which we did at that time.

From the response we received from Ameren, in regards to our initial inquiry, we feel that perhaps there were some facts that were not presented to Ameren effectively.

To be clear, we have never refused Ameren access to install the lawfully mandated analog meter as specified by the ICC. We only communicated our refusal/non-consent to the installation of the "advanced meter-(AMR/AMI)" as lawfully mandated by the ICC to be our right to do. We informed them numerous times that we would be happy to accommodate them and allow access for the installation of the analog meter which again, the ICC states is our right.

May we again state that, we do not wish to practice rebellion, belligerency nor cause any controversy as we only wish to remain at peace and in good faith compliance with the regulations as set forth by the ICC.

If we may, for clarity, we would like to review the issue at hand.

We are specifically referring to ICC's Feb 26th 2014 and Sept 4 2014 press releases which clearly state what we believe are the facts.

In the Feb press release it clearly states in part that:

"The Commission determined that the charge is reasonable and reflects additional costs required to read or service the older model, analog meters. Smart meters are capable of sending customer usage data electronically, eliminating costs associated with reading meters manually."

While the Sept press release states in part that:

"The Illinois Commerce Commission Wednesday approved new customer charges for Ameren Illinois electric and natural gas customers who refuse advanced meters or don't provide the utility access to install them.

A \$20 monthly charge will be assessed to customers who refuse advanced meters once a local area is converted to advanced metering (AMR/AMI)."

We realize that the ICC's Feb 26 2014 press release is specifically dealing with ComEd Corporation and simply refer to it as proof that the language used to describe a "non advanced meter" is defined as "analog" by the ICC. In addition to that, we can clearly see in the Sept 4 2014 press release that the ICC specifically defines "advanced metering" as (AMR/AMI).

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Ameren however, in direct defiance of what the ICC has mandated, is claiming that they can re-define or re-interpret the ICC's powers of regulation by using word trickery to claim that an AMR meter is not an "advanced meter" as the ICC has specifically defined it to be. It appears to us that they claim that their corporate policy is superior to anything that the ICC publishes as a "regulation". They not only want to force us to use an "AMR" meter against our will but also pay a so-called "opt-out-fee" which the commission said is specifically for "the older model analog meters"

Therefore, Ameren is in clear violation of the ICC's determination that to charge us the extra fee, they must allow the use of the analog meter. ("The Commission determined that the charge is reasonable and reflects additional costs required to read or service the older model analog meters.").

Their July 7, 2016 reply to our inquiry states that:

"Ameren can install a non-automated, no radio signal, meter, however, it will not be a mechanical meter, it will be solid state meter with an LCD display, Ameren no longer purchases or installs mechanical electric meters."

Please note that we are aware of the deceptive intent of the above statement as Ameren avoids the use of "advanced meter" or "AMR meter" instead calling it "non-automated" and "no radio signal". However, the fact is that it IS an AMR meter which is specifically defined as an "advanced meter" by the ICC. They also avoid the use of the word "analog", instead referring to it as "mechanical". While we wish to remain peaceful, we can find no other option to describe such use of the language other than "deceptive" and feel that most sane, reasonable people would agree.

Any claim(s) made by Ameren that we "must" have an AMI or AMR meter as per "state requirements" (as stated in their June 7, 2016 letter) when that is clearly not the case, constitutes constructive fraud.

In addition, any claims that analog meters are "outdated", "obsolete" or "not available" is pure industry hype and these catch-phrases are now in common use. We were able to easily find numerous sources for these meters and purchase our own safe, proven to be accurate analog meter. This meter was purchased from a highly esteemed company well known to most major utility providers. This meter has been calibrated, set to 0, tested and certified and safety/tamper sealed by one of the oldest meter companies in the country. (Hialeah Meter Co - Hialeah Fla) This meter is tested to 1% accuracy, whereas the industry standard is 2% and so this surpasses the "industry standard". On several occasions, we offered to let Amerens agents/employees to install this purchased meter and they refused.

On June 8 2016 AD, via a telephone communication we offered to asorb the cost ourselves and hire a licensed, bonded and insured electrician to install this self-purchased meter. We also offered to faithfully record all readings each month (or as often as they deem necessary) and report them via whatever avenue of communication they desired (email, US Postal Service or telephone) to help offset any extra cost's associated with the use of the analog device. Again Ameren refused, with the Ameren agent/employee threatening to have us charged with "tampering" and possibly "theft of services" if we were to proceed with the replacement.

We pray for relief and a finding that our request for the safe, analog meter is indeed in compliance with the ICC's mandates and regulations. Again, we only wish to protect our health. Kristina Barth has endured 2 surgeries, the most recent being to have a a spinal cord stimulator implant. Kristina was warned by her surgeon to avoid all electro-magnetic fields due to the harm it may cause to her implanted medical device. Our research indicates that a so-called opt-out meter is just a smart meter with the wireless turned off. It will harm you nearly as much as the smart meter because of the "dirty electricity" generated by the meter. In addition, there exist's a privacy issue as the radio-off opt-out meter still collects the same fine-grained usage data as a smart meter. The only thing that has been turned off is the radio-transmitter. None of the data-collection software has been turned off.

The AMR meter that Ameren wishes to, against our will, force upon us (and against the ICC's regulations) utilizes a switched mode power supply that produces spikes of so-called electromagnetic interference (EMI), or high frequency transients, which then travel along the wiring in the walls, radiating outward in the wiring's electromagnetic field. This transient electricity is believed to be very damaging to any biological systems in its field of exposure. In addition to that, recent scientific papers have increasingly reported that pulsed radiation generated by these devices is significantly more harmful than continuous radiation. We are in possession of numerous studies, papers, letters and statements from qualified men and women regarding this issue.

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(For instance, some of the authors have MS degrees from MIT, a California P.E. license (Professional Engineer's License), and a PhD from Stanford in Electrical Engineering, Magna Cum Laude, ect) We refer to the well-known 2012 Bioinitiative Report by Ronald M. Powell Phd as a prime example and further evidence of our position.

These expert's reports, statements and articles/papers alone should warrant ample reason for the ICC to declare a moratorium on this "advanced meter deployment", and schedule fully transparent public hearings on all aspects of the meters' operation.

We will bear the burden of printing out these materials and presenting them to the court should it be deemed necessary.

We would also pray that, for the safety, health and well being of all the people of Illinois the State that the ICC call for an immediate halt to the deployment of these harmful devices until further scientific study can be performed and examined as to their safety and effectiveness.