

**BEFORE THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS**

In the Matter of the Complaint Against )  
Kansas City Power & Light Company by ) Docket No. 15-KCPE-474-COM  
Keith S. Carpenter )

**ANSWER AND MOTION TO DISMISS OF  
KANSAS CITY POWER & LIGHT COMPANY**

Kansas City Power & Light Company (“KCP&L” or “Company”), by and through its counsel, hereby submits its answer (“Answer”) to the formal complaint of Mr. Keith S. Carpenter (“Complainant”) served against KCP&L in the above-captioned proceeding on August 18, 2015. Such Answer is provided in compliance with the State Corporation Commission of the State of Kansas’ (“Commission” or “KCC”) directive to file a response to the Complaint within ten (10) days after receipt of service.<sup>1</sup>

**I. PROCEDURAL BACKGROUND**

1. On April 13, 2015, Complainant filed with the Commission a formal complaint against KCP&L (“Complaint”).
2. On April 27, 2015, Litigation Staff for the Commission (“Staff”) prepared a Memorandum Analyzing the Formal Complaint for compliance with the Commission’s regulations (“April Memorandum”). Staff recommended the Commission find the Formal Complaint did not satisfy the procedural requirements of K.A.R. 82-1-220. Staff further recommended that the Commission grant the Complainant thirty (30) days to correct the procedural deficiencies identified in the April Memorandum.

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<sup>1</sup> Complaint cover letter, p. 1.

3. On April 30, 2015, the Commission issued its Order Adopting Staff's Memorandum.

4. On May 18, 2015, Complainant filed with the Commission an amended complaint against KCP&L ("Amended Complaint").

5. On August 5, 2015, Litigation Staff for the Commission prepared a Memorandum analyzing the Amended Complaint for compliance with Commission regulations.<sup>2</sup>

6. On August 13, 2015, the Commission issued its Order Adopting Staff's Memorandum ("August 13 Order"). In its August 13 Order, the Commission dismissed Complainant's privacy argument based upon alleged violations of the 4<sup>th</sup> and 5<sup>th</sup> Amendments of the United States Constitution for lack of jurisdiction. The Commission found that Complainant's health and safety argument substantially complies with the procedural requirements of K.A.R. 82-1-220 and therefore can be heard by the Commission. The Commission specifically waived K.A.R. 82-1-220(b)(1). The Commission also ordered that this Complaint be consolidated with the complaints under Docket Nos. 15-KCPE-265-COM and 15-WSEE-211-COM.

7. The Commission mailed the Amended Complaint to KCP&L on August 14, 2015, and KCP&L received it on August 18, 2015. Pursuant to the provisions of Kansas Administrative Regulations (K.A.R.) 82-1-220(c) and K.A.R. 82-1-217, KCP&L's Answer to Complaint is due by August 28, 2015.

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<sup>2</sup> See Memorandum dated Aug. 5, 2015 attached to Commission's August 13 Order. Such Memorandum was not separately filed by Staff in this docket.

## II. FACTUAL BACKGROUND

8. Complainant has had service at the property at 7633 Colonial Drive, Prairie Village, Kansas since April 2, 1971.

9. In 2014, KCP&L began a meter refresh program to exchange the current Automated Meter Reading (“AMR”) meters on its system for Advanced Meter Infrastructure (“AMI”) meters. Both meters use similar radio frequency (“RF”) and have similar capabilities with regard to customer usage data transmission to KCP&L.<sup>3</sup> The AMR meters are being replaced as they are nearing the end of their useful life. As part of this program postcards are mailed to customers approximately three weeks in advance of KCP&L’s contractor being in the customer’s area to exchange their meter. A phone number and website are provided on the postcard in case the customer has questions about the meter exchange.

10. On or about the week of October 13, 2014, a postcard was mailed to Complainant’s residence explaining KCP&L would be in the area to exchange the existing meter at the property for a new electric meter. The Complainant’s address was on the route scheduled for meter exchange for November 10, 2014.

11. On November 7, 2014, Complainant emailed the Company stating he did not want the new AMI meter installed. KCP&L’s customer service department responded to the aforementioned email on November 10, 2014. In the response, a customer service representative (“CSR”) explained the reason for the meter exchange and that KCP&L does not offer an opt-out option.

12. On November 10, 2014, KCP&L’s contractor arrived to exchange Complainant’s meter and found access to the meter blocked due to a locked gate.

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<sup>3</sup> Neither KCP&L meter type, AMR nor AMI, is capable of monitoring equipment usage in the home; only the entire usage of the premise.

13. On November 12, 2014, KCP&L's contractor contacted Complainant and set an appointment for December 9, 2014 to exchange their meter.

14. On December 4, 2014, Complainant's spouse, Barbara Carpenter, contacted KCP&L's Customer Call Center to reschedule the meter replacement. The CSR advised that scheduling was not done in the Call Center and provided her with the phone number for rescheduling. Ms. Carpenter then called and cancelled the December 9, 2014 appointment.

15. On February 20, 2015, KCP&L's AMI Team forwarded Complainant's meter exchange refusal to Supervisor Catherine Winters. Ms. Winters contacted Complainant and spoke with Ms. Carpenter at length regarding the meter exchange. The AMI Team contacted Ms. Carpenter that afternoon to schedule an appointment to exchange the meter. Ms. Carpenter advised the AMI Team that their residence has a locked gate and they would need to call back after March 6, 2015 to schedule an appointment for access to the meter.

16. On February 26, 2015, KCP&L's AMI Team left a message for Complainant requesting a call back to schedule an appointment to have their gate unlocked for the meter exchange.

17. On or about March 2, 2015, Complainant sent a certified letter to KCP&L's Chief Executive Officer. KCP&L received the aforementioned letter on March 9, 2015 at which time Ms. Winters again called Complainant. She left a message for Complainant with her direct dial phone number and requested a return call. Additionally, Ms. Winters mailed Complainant KCP&L's standard letter regarding the need for the Company's meter exchange program and the inability to opt out of receiving the new AMI meter. Complainant did not return Ms. Winters' call.

18. On March 11, 2015, KCP&L's AMI Team left a message for Complainant requesting a call back to schedule an appointment for the meter exchange and access to the meter.

19. On April 1, 2015, Ms. Winters left Complainant another message to address the certified letter KCP&L received on March 9, 2015.

20. On April 8, 2015, a KCP&L technician confirmed that Complainants' gate was still locked preventing access to the meter.

21. As noted earlier, on April 13, 2015, Complainant filed with the Commission a formal complaint against KCP&L ("Complaint").

22. On April 15, 2015, following several unsuccessful attempts to speak with the Complainant and after noting that Complainant's telephone number was now disconnected, the KCP&L AMI Team mailed Complainant a letter advising of potential disconnect in thirty (30) days and requesting a call back to set up an appointment for the meter exchange.<sup>4</sup>

### **III. ANSWER TO COMPLAINT**

23. Except as admitted or agreed herein, KCP&L denies each and every allegation and statement in the Complaint and the Amended Complaint.<sup>5</sup>

24. As a condition of service, KCP&L does require that all customers must have a Company meter in place to measure usage for billing purposes. Such equipment is owned,

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<sup>4</sup> KCP&L discontinued attempts to exchange Complainant's meter and has not proceeded with disconnection pending the outcome of this Complaint.

<sup>5</sup> Complainant's Amended Complaint incorporates by reference his original formal Complaint. The original Complaint included five paragraphs including paragraph 4 which relates to invasion of privacy allegations. The Amended Complaint contains numerous paragraphs, many of which address Complainant's concerns related to the 4<sup>th</sup> and 5<sup>th</sup> Amendments to the U.S. Constitution over which the Commission ruled it does not have jurisdiction. The Company will not respond to those paragraphs.

installed and maintained by the Company.<sup>6</sup> Section 7.11 of KCP&L's General Rules & Regulations, Property of the Company, states that all Company-owned facilities on the premises of the Customer "...may be replaced by the Company at any time, ...". The AMI meters being installed by KCP&L are approved by the Federal Communications Commission ("FCC"). (See Grant of Equipment Authorization, Certification Issued Under the Authority of the FCC, attached as **Exhibit A**. As the Commission has consolidated this complaint with similar complaints, including Docket No. 15-KCPE-265-COM ("15-265 Docket"), the following information provided in response to the complaint in the 15-265 Docket is also relevant here.

- The new AMI meter will allow transmission of energy usage data in the same manner as Complainant's current AMR meter, deployed in the mid-1990s.
- Complainant's current AMR meter has a CellNet AMR module installed that transmits usage via RF signals to the Company's wireless network. The new AMI meter has similar capability; however, it can also receive signals from the Company's RF network for limited purposes. This two-way communication enables the Company to have better outage management information than with the CellNet system.
- The new AMI meter is not capable of communicating with any devices inside the residence or measuring usage from any individual equipment inside the residence. The primary purpose of the meter remains transmission of total customer energy usage data to the Company. The new AMI meters are also better at outage reporting than the old AMR meters.
- The new AMI meter does transmit RF signals to the Company's wireless system; this operates on the same frequency band as the current AMR meter. The RF emission rate at 10 feet in microwatts per square centimeter ( $\mu\text{W}/\text{cm}^2$ ) for this meter is 0.1, comparatively Wi-Fi is 10-20 and a Cellphone is 30-10,000.<sup>7</sup> The new AMI meter meets all applicable FCC regulations and American National Standards Institute ("ANSI") standards. See product sheet attached as **Exhibit B**.
- The new AMI meter transmits usage data in a manner similar to the AMR meter the Company has employed since the mid-1990s. KCP&L has not offered an opt-out provision during that time frame and the Commission has not ordered it to do so.

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<sup>6</sup> See KCP&L General Rules and Regulations Applying to Electric Service ("General Rules & Regulations"), Section 7.11, Property of the Company.

<sup>7</sup> Source: *Richard Tell Associates, Inc.* Pacific Gas and Electric:  
<http://www.pge.com/myhome/edusafety/systemworks/rf/>

KCP&L denies all other allegations contained in paragraph 1 of the Complaint.

25. KCP&L admits that the new meters are AMI meters made by Landis & Gyr. Using the basic definition of a smart meter – a meter that is usually an electronic device that records consumption of electric energy in intervals of an hour or less and communicates that information at least daily back to the utility for monitoring and billing – KCP&L agrees that the AMI meters are “smart” meters. KCP&L denies all other allegations in paragraph 2 of the Complaint.

26. KCP&L admits the facts outlined above in the section entitled Factual Background which details contacts between KCP&L and Complainant. KCP&L denies all other allegations contained in paragraph 3 of the Complaint and in paragraph 1 of the Amended Complaint.

27. Regarding the documentation provided in the Amended Complaint, KCP&L is without sufficient knowledge to admit or deny the statements contained therein and denies same. The AMI meters being installed by KCP&L are approved by the FCC, the federal agency which is the United States’ primary authority for communications law, regulation and technological innovation. KCP&L will, however, address Document 9 regarding the 2007 Commission Order in Docket No. 07-GIME-116-GIV (“07-116 Docket”), *In the Matter of the General Investigation Initiated for the Purpose of Complying with Section 1252 of the Energy Policy Act of 2005 Related to Smart Metering Technology*. This docket reviewed whether or not the Commission should mandate Kansas electric utilities to implement Time-of-Use rates necessitating

implementation of smart meter technology.<sup>8</sup> At the time of the 07-116 Docket, KCP&L had already implemented “smart meter” technology through its AMR meter program deployed during the mid-1990s.

28. KCP&L denies the remaining allegations on page 2 of the Amended Complaint. KCP&L notes that Complainant’s current meter communicates Complainant’s usage data to KCP&L via RF in the same manner as the new AMI meter.

29. Complainant’s request for the Commission to impose opt-out provisions would reduce the benefits of the AMI meter program and introduce additional costs for manual meter reading and data entry.

#### **IV. MOTION TO DISMISS**

30. KCP&L moves to dismiss the Amended Complaint in its entirety on the basis that it fails to state a claim upon which relief can be granted.

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<sup>8</sup> Pursuant to § 1252 of the Energy Policy Act of 2005, Congress directed all state public utility regulatory agencies to take the following actions:

Each State regulatory authority shall conduct an investigation and issue a decision whether or not it is appropriate for electric utilities to provide and install time-based meters and communications devices for each of their customers which enable such customers to participate in time-based pricing rate schedules and other demand response programs. 16 U.S.C. 5 2625(i).

Additionally, the Commission was specifically charged with making a determination of the appropriateness of the following standards:

(A) Not later than 18 months after the date of enactment of this paragraph, each electric utility shall offer each of its customer classes, and provide individual customers upon customer request, a time-based rate schedule under which the rate charged by the electric utility varies during different time periods and reflects the variance, if any, in the utility's costs of generating and purchasing electricity at the wholesale level. The time- based rate schedule shall enable the electric consumer to manage energy use and cost through advanced metering and communications technology.

(C) Each electric utility subject to subparagraph (A) shall provide each customer requesting a time-based rate with a time-based meter capable of enabling the utility and customer to offer and receive such rate, respectively. 16 U.S.C. 5 262 1 (d)(14).

31. None of the allegations made by Complainant constitute a violation of any law, regulation, Commission Order or KCP&L tariff. There is no provision in KCP&L's tariffs that prevent KCP&L from utilizing an AMI meter. The AMI meters being installed by KCP&L have been approved for use by the FCC, and there is no basis for implementing opt-out provisions.

32. KCP&L has operated within its approved tariffs, Commission orders and regulations, and therefore and the Amended Complaint should be summarily dismissed.

## V. CONCLUSION

33. KCP&L has complied with its tariffs and all Commission rules, regulations and Orders. For the reasons set forth herein, KCP&L requests the Commission find there is no basis for the allegations in the Amended Complaint and dismiss them accordingly.

WHEREFORE, KCP&L respectfully submits for Commission consideration this Answer to the Amended Complaint, and moves the Commission for an order dismissing the Amended Complaint with prejudice for failure to state a claim upon which relief can be granted, and for any such further relief the Commission deems appropriate.

Respectfully submitted,

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ATTORNEYS FOR KANSAS CITY POWER & LIGHT COMPANY

## VERIFICATION

STATE OF MISSOURI      )  
                            )  
                            ) ss  
COUNTY OF JACKSON    )

The undersigned, Mary Britt Turner, upon oath first duly sworn, states that she is the Director, Regulatory Affairs of Kansas City Power & Light Company, that she has reviewed the foregoing Answer, that she is familiar with the contents thereof, and that the statements contained therein are true and correct to the best of her knowledge and belief.

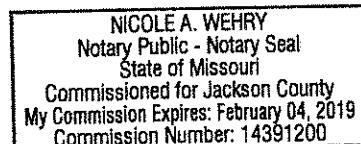
Mary Britt Turner  
Mary Britt Turner  
Director, Regulatory Affairs  
Kansas City Power & Light Company

Subscribed and sworn to before me this 28<sup>th</sup> day of August 2015.

Nicole A. Wehr  
Notary public

My commission expires:

Feb. 4, 2019



## CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the above was electronically served, hand-delivered or mailed, postage prepaid, this 28<sup>th</sup> day of August, 2015 to:

Samuel Feather, Litigation Counsel  
Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, KS 66604-4027

Dustin Kirk, Assistant General Counsel  
Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, KS 66604-4027

Keith S. Carpenter  
7633 Colonial Drive  
Prairie Village, KS 66208

*10/ Roger W. Steiner*

Roger W. Steiner

TCB

GRANT OF EQUIPMENT  
AUTHORIZATION

TCB

Certification

Issued Under the Authority of the  
Federal Communications Commission

By:

Advanced Compliance Solutions,  
Inc.  
5015 B.U. Bowman Drive  
Buford, GA 30518

Date of Grant: 02/04/2015

Application Dated: 02/04/2015

Landis+Gyr Technologies, LLC  
8406 County Rd 11  
Pequot Lakes, MN 56472

Attention: Carl Jacobs, Hardware Test Engineer

NOT TRANSFERABLE

EQUIPMENT AUTHORIZATION is hereby issued to the named  
GRANTEE, and is VALID ONLY for the equipment identified hereon  
for use under the Commission's Rules and Regulations listed below.

FCC

IDENTIFIER:

TEB-HUNT825

Name of Grantee: Landis+Gyr Technologies, LLC

Equipment Class: Part 15 Spread Spectrum Transmitter

Notes: 3G S4e Gridstream

Modular Type: Single Modular

Grant Notes	FCC Rule Party	Frequency Range (MHz)	Output Watts	Frequency Tolerance	Emission Designator
	15C	902.0 - 928.0	0.007		

Class II Change to add new antenna type/host configuration as described  
in this filing. New antenna limited to professional installation only.



**Residential:  
E130 FOCUS AL**



*Durability and Reliability Meet Advanced Residential Metering*

## Overview

The FOCUS® family of meters delivers an advanced, reliable and economical solid-state platform for advanced metering applications. Designed for the utmost in reliability and better overall endpoint performance, the FOCUS AL uses minimal parts and connectors. Its oversized innovative single circuit board design provides the flexibility to install a modular communications board or KYZ option output board. And with highly accurate load performance and the use of a field-proven Digital Multiplication Measurement Technique, the FOCUS AL assures dependable and consistent operation over its lifetime.

### QUICK AND EASY RECONFIGURATION STEPS:

- Locate the configuration port on the front cover
- Select from positive, negative, net and added (security) metrics
- Change displayed information, order or digits
- Configure a CT/PT meter multiplier to obtain a direct reading
- Preset or reset kWh

### FEATURES & BENEFITS:

*Why Landis+Gyr makes a difference.*

- Bidirectional metering enables distributed energy, solar/wind and cogeneration applications
- Enhanced security
- Non-volatile memory
- Designed for a 20+ year life
- Surpasses ANSI requirements for surge protection (10KV) and meter accuracy
- Low-resistance, single-piece current coil avoids problematic heat
- Ease of AMI integration

## Product Specifications: E130 FOCUS AL

### Specifications

General Specifications	Active Energy "kWh-only" meter
	Digital Multiplication Measurement Technique
	Non-Volatile Memory
	Designed for 20+ years life
	Meets ANSI standards for performance
	Utilizes ANSI protocol (between meter and AMI device)
	8-Digit LCD
	Display scroll sequence programmable (factory or end user)
	Configuration Port – cover does not have to be removed
Operating Temperature	-40C to +85C under cover
Nominal Voltage	120V or 240V
Operating Voltage	80% to 115% of Vn
Frequency	60Hz +/- 5%
Humidity	5% to 95% relative humidity, non condensing
Starting Load (Watts)	Class 20 0.005 Amp (0.6W)
	Class 100 0.030 Amp (3.6W)
	Class 200 0.050 Amp (12W)
	Class 320 0.080 Amp (19.2W)
	Class 480 0.120 Amp (28.8W)
Voltage Burden	< 1.8W Max
Load Performance Accuracy	Accuracy Class 0.5% – typical accuracy 0.2%
Available Forms	Self-Contained 1S, 2S, 2SE, 12S, 25S
	Transformer Rated 3S, 4S
	K-Base 2K
Display Options	Energy Metrics: +kWh, -kWh, Net kWh, and added kWh (Security)
	Metric Energy Display Format – 4x1, 4x10, 5x1, 5x10, 6x1 or 6x10
AMI Platform	Modular or Integrated
Selectable Meter Multiplier	Up to 240 as result of PT ratio • CT ratio
Applicable Standards	ANSI C12.1 for electric meters
	ANSI C12.10 for physical aspects of watt hour meters
	ANSI C12.19 Utility Industry End Device Data Tables
	ANSI C12.20 for electricity meters, 0.2 and 0.5 accuracy classes
	CAN3-C17-M84 Canadian specifications for approval of type of electricity meters
International Certifications	LAPEM (Mexico) Certification # K3112-12-E/4114, 4115 and 4116
	Measurement Canada (MC) AE-1559

Phone: **678.258.1500**

FAX: **678.258.1550**

[landisgyr.com](http://landisgyr.com)

6.20.14

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**Gyr**  
manage energy better