

Before The State Corporation Commission
Of The State Of Kansas
In the Matter of the Complaint Against)
Westar Energy, Inc. by) Docket No. 16-WSEE-066-COM
Steven N. and Mary Kay Ricke)

Answer and Rebuttal to Motion to Dismiss Of Westar Energy Inc.

On November 3, 2015 Westar Energy Inc. sent us via an e-mail a motion to dismiss.

Steven N. and Mary Kay Ricke do not accept Westar Energy's request to dismiss the complaint that we filed with the Kansas Corporation commission against Westar Energy Inc. Docket No. 16-WSEE-066-COM.

1. Westar does not address or deny in their motion to dismiss the documented facts found in our amended formal complaint that smart meters are responsible for starting fires.
2. Westar does not deny that their service to Westar customers is insufficient by their lack of communication and poor customer relations and irresponsible behavior by sending out a worker that did not have a Westar ID on and working out of the back of their private vehicles to install the meters with no prior warning.
3. Westar admits in their dismissal #6. That they would have to get approval of a tariff by the KCC to authorize rate increase. They state that our contention that installation of an AMI meter will result in Westar charging different rates is unfounded. However, by the evidence we have provided in our amended formal complaint, there are documented quotes of Westar's SmartStar director Hal Jensen and director of meter operations Kevin Heimiller reported by Christine Metz on October 17, 2011 interview. One of the questions asked and answered in this article was: "Will my rates change?" The answer provided by Westar's own directors listed above was: "One of the benefits of smart meters is the ability to establish a billing structure where electricity is most expensive at the times when it is in highest demand. Often those peaks occur on hot summer afternoons. By next summer, Westar plans to offer different pricing plans that would link rates to demand." If Westar has done this in Lawrence after installation, it

is prudent to believe they will pursue rate hikes in Wichita also after the installation mode is finished. Westar pursued rate hikes to recover the cost of the smart meters in Lawrence and therefore it is not unfounded that they will do so in Wichita. There has been a precedent set.

4. Also documented in our formal complaint, The Lawrence Journal-World by Mike Yoder published February 3, 2011 stated "After smart meters are installed in Lawrence, Westar plans to offer a similar concept as a pilot program for volunteer customers. " Volunteer means one has the choice to opt in or out. That is what we are requesting, the ability to voluntarily opt out.
5. Westar's dismissal #7. "regarding health risk and security and privacy issues associated with the installation of AMI meters are mere allegations and are unsupported by any actual evidence." Included in our formal complaint are documented facts and cases. In 2009, the FBI investigated widespread power thefts in Puerto Rico and that the smart meters were hacked into using an optical converter device connected to a laptop. The hackers were able to change settings on the smart meters with software available on the internet. There is a complete document on how Mike Davis, a security consultant, proved the easy ability to tamper with smart meters. Smart meters make us customers vulnerable to hackers with a laptop and that is not something we as customers with analog meters have to deal with. Hacking into smart meters is undeniably a security and privacy issue. In another document by the National Institute of Standards and Technology(NIST), it states "Privacy and cybersecurity issues due to the granular nature of data collected through the use of digital smart meters, have been well documented". There is a full quotation from the NIST document that was published in August 2010 in our documentation. I guess Westar also considers the CRS Report for Congress prepared for Members and Committees of Congress on Smart Meter Data: Privacy and Cyber security on February 3, 2012 as "unsupported" actual evidence. We included a partial document and the full document can be viewed online. Documented evidence of health risks is also included in our formal complaint. Refer to "Customers say OG&E Smart Meters making them sick." As of July 23, 2013-there are 14 states that have banned smart meters, having pending litigation against them or have offered customers the opportunity to opt out. Some for health concerns and others over

privacy issues. In other states, class action lawsuits were filed and at one time in California, 47 municipal jurisdictions had demanded a halt to installations of the meter. Dr. William Rea, is a OU graduate and a cardiovascular surgeon who holds other specialties as well. He is considered one of the foremost experts in the country for electromagnetic hypersensitivity disorder. He has treated patients with electromagnetic hypersensitivity disorder for forty years. " If you have problem with things like the smart meter, you may be getting the wrong impulses, the wrong impulses that come into the body and cause disruption of that synchronized movement that you are supposed to have from electrical impulses." He says our cells are protected by membranes which are electromagnetic and allow crucial materials like calcium, sodium and potassium to pass through. He believes frequencies from smart meters interrupts this process and causes health problems.

Westar's motion to dismiss is a perfect example of it due dis-regard for the customer it serves. We and other Westar customers have no reasonable option as we have no ability to choose another electric service provider. We are subject to any KCC decision it grants to the Westar monopoly. We fear for our risk to our health, fear of fires, fear of privacy and security that smart meters introduce into our lives. We also fear future rate increases we have no control over. Westar customers have suffered 23 rate hikes in the last 2-3years and 50% of our current bill is not based on our direct usage of KW. Westar's dismissive arrogance of documented facts about smart meters is unreasonable, unfair, and unjustly discriminatory in dealing with customers who want to voluntarily opt out of a smart meter without cost, fees or loss of service.

Respectfully,
Steven N and Mary Kay Ricke
104 N Tarabury
Wichita, KS 67212
316-942-9636
snmkricke@yahoo.com
November 4, 2015

*Steven N. Ricke
Mary Kay Ricke*