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STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Local Public Hearing  
February 15, 2011  
Dexter, Missouri  
Volume 2

In The Matter of )  
Union Electric Company )  
d/b/a AmerenUE's Tariff ) File No. ER-2011-0028  
To Increase Its Annual )  
Revenues For Electric Service )

MORRIS L. WOODRUFF, Presiding  
CHIEF REGULATORY LAW JUDGE  
JEFF DAVIS, Chairman

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2

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1 P R O C E E D I N G S

2 JUDGE WOODRUFF: Good afternoon, everyone.  
3 Welcome to our local public hearing. My name is Morris  
4 Woodruff. I'm the chief regulatory law judge for the  
5 Public Service Commission, and I'll be presiding here  
6 today. I want to introduce the gentleman to my left here.  
7 This is Commissioner Jeff Davis.

8 Mr. Davis, do you have any statements?

9 CHAIRMAN DAVIS: I'd just like to say  
10 welcome and thank all of you to coming out here at our  
11 noontime hearing here in Dexter, and I look forward to  
12 hearing your comments. Thank you.

13 JUDGE WOODRUFF: Thank you, Commissioner.  
14 We have a list of people who signed up out in the lobby  
15 there. And what I will do is go down the list of names  
16 and call them in order. If you didn't get a chance to  
17 sign up on this list, that's fine also. I'll ask for  
18 additional witnesses after we've gone through the list.

19 Before we call the first witness, I'll ask  
20 if there are any attorneys here for the parties beginning  
21 with Ameren.

22 MR. BYRNE: Yes, Your Honor. I'm Tom Byrne  
23 representing Ameren Missouri. My address is 1901 Chouteau  
24 Avenue, St. Louis, Missouri 63103.

25 JUDGE WOODRUFF: And for the public

1 counsel ?

2 MR. MILLS: On behalf of the Office of  
3 Public Counsel and the public, my name is Lewis Mills. My  
4 address is Post Office Box 2230, Jefferson City, Missouri  
5 65102.

6 JUDGE WOODRUFF: Is anyone here from the  
7 commission staff?

8 MS. MCCLOWRY: Meghan McClowry for the  
9 staff of the Missouri Public Service Commission. My  
10 business address is P.O. Box 360, Jefferson City, Missouri  
11 65102.

12 JUDGE WOODRUFF: At this time, I'm going to  
13 call your name. And if you could just come up to the  
14 chair up here, and speak into the microphone. I'll swear  
15 you in to tell the truth, the whole truth and nothing but  
16 the truth and we'll let you make your statement. After  
17 you've made your statement, I'll give the attorneys a  
18 chance to ask any questions if they might need to follow  
19 up on anything. And Mr. Davis may have some questions for  
20 you also. If you could stick around until we get a chance  
21 to do that.

22 The first name on the list is Rich Holland?

23 MR. HOLLAND: Holland.

24 JUDGE WOODRUFF: Go ahead and have a seat  
25 right there. If you'll please raise your right hand. Do

1 you solemnly swear or affirm the testimony you're about to  
2 give in this matter is the truth, the whole truth, and  
3 nothing but the truth?

4 MR. HOLLAND: I do.

5 JUDGE WOODRUFF: Thank you. And tell us  
6 your name, and spell your last name, please.

7 MR. HOLLAND: Rich Holland, H-O-L-L-A-N-D.

8 JUDGE WOODRUFF: All right. What would you  
9 like to tell us?

10 MR. HOLLAND: I have a question. In the  
11 prior parts of the meeting, I understood that Ameren does  
12 have any liability with respect to suggest programs that  
13 would increase the reliability of the equipment; that's  
14 what I understood. I was wondering if they are  
15 considering that, whether they are contacting someone  
16 about it, or what their future plans are for that.

17 JUDGE WOODRUFF: Okay. Well, I can't  
18 answer your questions. You can talk to the Ameren people  
19 afterward. First of all, I don't know. And second, since  
20 we are here acting as the judges in the case, we can't  
21 discuss the particulars of the case. But that's certainly  
22 something you can ask Ameren.

23 MR. HOLLAND: When I signed up, I wasn't  
24 really sure what I was going to be doing.

25 JUDGE WOODRUFF: That's fine. Is there

1 anything else you would like to tell us?

2 MR. HOLLAND: No, that's it.

3 JUDGE WOODRUFF: All right. I'm sure the

4 Ameren people would be glad to talk to you after.

5 Commissioner Davis, do you have any questions?

6 CHAIRMAN DAVIS: Mr. Holland?

7 MR. HOLLAND: Yes.

8 CHAIRMAN DAVIS: I was just going to  
9 inquire, is your -- you mentioned reliability. Now, do  
10 you have good quality service? Do you concerns with your  
11 service or --

12 MR. HOLLAND: It's not the service. It's  
13 just the matter of getting more value for your buck and  
14 about hiring a lot of those engineers so they can increase  
15 the reliability of the equipment so they have less down  
16 time. And that, in turn, will result in more profits.

17 CHAIRMAN DAVIS: Okay. All right. Thank  
18 you, Mr. Holland.

19 MR. HOLLAND: Thank you.

20 JUDGE WOODRUFF: Thank you, Mr. Holland.

21 The next name on the list is Jane Jackson. Is Ms. Jackson  
22 still here? Here she comes. Good afternoon, ma'am.

23 MS. JACKSON: Good afternoon.

24 JUDGE WOODRUFF: Would you please raise  
25 your right hand? Do you solemnly swear or affirm the

1 testimony you're about to give in this matter is the  
2 truth, the whole truth, and nothing but the truth?

3 MS. JACKSON: I sure do.

4 JUDGE WOODRUFF: Okay. I need you to tell  
5 us your name?

6 MS. JACKSON: My name is Jane Jackson.  
7 Nettie Jane Jackson, but I go by Jane.

8 JUDGE WOODRUFF: What would you like to  
9 tell us?

10 MS. JACKSON: Okay. It's not a question;  
11 it's a statement.

12 JUDGE WOODRUFF: Okay.

13 MS. JACKSON: And I'm speaking for a number  
14 of people I know. We're widowed ladies, and we live on  
15 fixed incomes. And we have a hard time making ends meet  
16 when things go up -- and, you know, food has gone up.  
17 Gasoline has gone up. Everything is going up, but our  
18 income did not go up. And so we're having a hard time in  
19 making our payments and taking care of ourselves to stay  
20 in our own homes. And there just should be some way that  
21 they can help people that are on fixed incomes.

22 And I know a lot of people -- I brought my  
23 neighbor with me. She's in the same boat I am, so -- but  
24 we're -- this is my concern, how are we going to make it  
25 if our bills keep going up? How are we going to make it?

1 JUDGE WOODRUFF: Thank you, Ms. Jackson.  
2 Mr. Davis, do you have any questions.

3 CHAIRMAN DAVIS: I don't. Ms. Jackson, we  
4 appreciate your comments.

5 MS. JACKSON: Okay. Will you do anything  
6 about them?

7 JUDGE WOODRUFF: Any questions from the  
8 attorneys?

9 (WHEREIN, no response.)

10 JUDGE WOODRUFF: And Ms. Jackson, if you  
11 have specific questions about assistance programs and so  
12 forth, there are staff people that might be able to help  
13 you out with that.

14 MS. JACKSON: Okay.

15 JUDGE WOODRUFF: They're sitting out there  
16 by the door waiting. I'm sure they'll talk to you on your  
17 way out.

18 MS. JACKSON: Okay. Thank you.

19 JUDGE WOODRUFF: Thank you. The next name  
20 on the list is -- I think it's Henry Avery -- Harry Avery.  
21 Good afternoon, sir.

22 MR. AVERY: Good afternoon.

23 JUDGE WOODRUFF: Please raise your right  
24 hand. Do you solemnly swear or affirm the testimony  
25 you're about to give in this matter is the truth, the

1 whole truth, and nothing but the truth?

2 MR. AVERY: I do.

3 JUDGE WOODRUFF: Thank you. Tell us your  
4 name, please.

5 MR. AVERY: Henry Avery.

6 JUDGE WOODRUFF: All right. I guessed  
7 right, then.

8 MR. AVERY: Yes, sir.

9 JUDGE WOODRUFF: What would you like to  
10 tell us?

11 MR. AVERY: Well, I was kind of going on  
12 the same thing that Ms. Jackson was. There's certain  
13 people who are retired, and we can make it for right now.  
14 There's certain people that are drawing retirement that  
15 may be -- it may be a hundred dollars a month or less than  
16 two-hundred dollars. Some people have a garden. But, you  
17 know, if the price of gas goes up -- and it takes gas to  
18 run a garden tiller and gas to go get gas.

19 So I'm just wondering if there's certain  
20 cuts or anything in there for people that are like that.  
21 I mean, there are -- you'll probably have to agree with  
22 me, there's certain people out there that this is really  
23 putting the pinch on. And some it's not putting as bad of  
24 a pinch on as it others. But there's certain people out  
25 there, they either have to do without one meal a day or

1 really cut back on their heat.

2 UNIDENTIFIED SPEAKER: Amen.

3 MR. AVERY: So I was just wondering if  
4 maybe there was some way or form that you could curtail  
5 part of the payment on those people or what.

6 JUDGE WOODRUFF: Well, I can't answer your  
7 question. But certainly, that's something the commission  
8 does take into account when it makes its decision.

9 MR. AVERY: But you do understand what I'm  
10 saying?

11 JUDGE WOODRUFF: Oh, absolutely, I  
12 understand what you're saying.

13 MR. AVERY: Okay.

14 JUDGE WOODRUFF: Commissioner Davis, do you  
15 have any questions?

16 MR. AVERY: No, sir. I don't have any --  
17 any questions. You know, we appreciate your testimony.  
18 I'm sorry we don't have more answers for you.

19 JUDGE WOODRUFF: Any questions from the  
20 attorneys?

21 (WHEREIN, no response.)

22 JUDGE WOODRUFF: Well, thank you, sir.

23 MR. AVERY: Thank you.

24 JUDGE WOODRUFF: The next name on the list  
25 is Carolyn Nichols. Ms. Nichols? Okay.

1 MS. NICHOLS-JOHNSON: It will take a minute  
2 to set up.

3 JUDGE WOODRUFF: That's fine.

4 MS. NICHOLS-JOHNSON: My name is actually  
5 Carolyn Nichols-Johnson.

6 MS. MEAGNER: That's my mistake.

7 MS. NICHOLS-JOHNSON: But I do go by  
8 Carolyn Nichols still, so...

9 JUDGE WOODRUFF: Okay.

10 MS. NICHOLS-JOHNSON: Some things never  
11 changed. And this is my friend and colleague Dixie  
12 Meagner, and she's kind of helping me because it's going  
13 to take two people to show some of this stuff.

14 THE REPORTER: I can't hear her.

15 MS. NICHOLS-JOHNSON: I can't be attached  
16 to this and walk around.

17 JUDGE WOODRUFF: That's fine. You need to  
18 make sure you speak into the microphone because the court  
19 reporter can't hear you. And Ms. Meagner is the next name  
20 on the list also, Dixie Meagner. Let me know when you're  
21 ready.

22 All right. Ms. Nichols-Johnson and  
23 Ms. Meagner, would you both raise your right hand and I'll  
24 swear you in. Do you solemnly swear or affirm the  
25 testimony you're about to give in this matter is the

1 truth, the whole truth, and nothing but the truth?

2 MS. NICHOLS-JOHNSON: I do.

3 MS. MEAGNER: I do.

4 JUDGE WOODRUFF: All right. Both witnesses  
5 have been sworn. Ms. Nichols, what would you like to tell  
6 us?

7 MS. NICHOLS-JOHNSON: My name is Carolyn  
8 Johnson. I'm a resident of Dexter in Stoddard County.  
9 I'm retired. And today I want to thank you in particular,  
10 Commissioner Davis, for coming down to Dexter. It's good  
11 to see a commissioner actually in person and not just on  
12 the TV screen. I feel like we've come up a notch. And  
13 Judge, we really appreciate you coming for the Public  
14 Counsel.

15 And I want to thank the PSC for holding  
16 these hearings around the state, and you are really  
17 getting better as you do it. But it's good to see that we  
18 are not totally forgotten down in the Bootheel, like some  
19 people like to claim that we are, even though we're not.

20 I'm particularly interested in  
21 Mr. Williams' comments from Ameren, because he's talking  
22 about the new initiatives and the budget that Ameren has  
23 laid out for energy efficiency and some renewables. And I  
24 commend Ameren for doing those. I think that Ameren has  
25 come a long way on those issues. It's been very much

1 behind any talks that I have seen and observed, and it's  
2 still not up to par to what it should be. It's been very  
3 late at the table, but at least it's getting toward the  
4 table.

5                   But Ameren is asking us for an 11 percent  
6 raise. Now, that's a big one even in good times. But  
7 when a state has almost 10 percent unemployment, that has  
8 got to be the biggest hit of all time to ask for an 11  
9 percent raise, even higher than any employment. That is a  
10 big blow.

11                   Ameren's motto is: We listen, we respond,  
12 we deliver. Well, in order to have a utility that can ask  
13 for such a rate raise on what I'd like to say is very  
14 sketchy grounds, you have to have a lot of trust. You've  
15 got to be able to trust that utility on what's been in the  
16 past and that it will do something in the future.

17                   I don't see that trust there. You know,  
18 Ronald Reagan said, Trust, but verify. Well, we don't  
19 have that position here in Missouri. We sometimes call  
20 that our show-me status. Show us the goods. Show us what  
21 you really got. But it's the same thing as trust, but  
22 verifying first. And we don't have that to verify.

23                   In this motto: We listen, we respond and  
24 we deliver, what I have seen in my own experience is only  
25 the first leg of that tripod, we listen. We have not

1 experienced that they respond or they deliver yet. My  
2 brother and I own rural property southwest of Dexter.  
3 It's about 19 acres. And we have had a direct and very  
4 alarming and continual experience with Ameren that does  
5 not behoove any professional corporation that hopes to  
6 have the public trust.

7 I'm going to describe that today. But I  
8 will say that I put this in the context of Taum Sauk.  
9 Now, that had happened right after I had moved back here  
10 to this area to retire in late 2005. And then we had a  
11 complete blowout of that facility on top of the mountain.  
12 The controls did not work. They were deliberately  
13 bypassed, and then were lied about for weeks. And Ameren  
14 tried to go in and monkey with the lobby, with both the  
15 Public Service Commission, as far as I could tell in the  
16 papers, and certainly the governor's office at that time  
17 to escape and evade its responsibility.

18 Well, fortunately, it didn't work. But  
19 there was a lot of expenditure of public monies. They  
20 came in on public lands. They treated that with a  
21 callousness regard, I would say, and contempt when that  
22 situation came around.

23 Now, the idea of incorporating those  
24 improvements into this rate raise so they can pay for  
25 their improvements, I say where are we coming up from?

1 We're coming up from not much on that. But that's the big  
2 picture, and that's one of the big pictures that can't --  
3 another one is the reliability of Ameren's service on  
4 local -- our factories, our employers in this area.

5                   And at the hearings two years ago, there  
6 was a lot of testimony about how out of the blue we had  
7 these outages here that shut down places like Tyson, the  
8 French name now -- what is that?

9                   MS. MEAGNER: Garcia.

10                   MS. NICHOLS-JOHNSON: Garcia. And a lot of  
11 the machines go out when those are shut down, 50 to  
12 \$100,000 a pop for some of those machines. They can't  
13 just alternate. They don't get the calls in advance.  
14 Now, my understand is that I -- there's no way I can speak  
15 for them -- is that has improved somewhat. But it had  
16 nowhere to go but up, folks. And that's what Ameren has  
17 got to do.

18                   But let's get down to our situation. I've  
19 got a map, and I'm going to pull it out and talk about  
20 this. What we see here -- what we have and what we're  
21 going to turn around and show this to the audience too, so  
22 they don't feel left out, is that a lot of this Ameren is  
23 coming in on our backs. My brother and I certainly feel  
24 this.

25                   Our property is 20 -- is a little under 20

1 acres -- 19 acres southwest of town, as I described. This  
2 map is not drawn to scale. It's the best I could do with  
3 Crayolas this morning. But it is pretty accurate, and it  
4 shows the many features that I'm now going to talk about.

5           Let's give the folks out here a little tour  
6 of it too. This is the boundaries. On this property two  
7 years ago with the ice storm we had owned it for about a  
8 year -- or a little less than a year. We had already  
9 built our pond. It was starting to fill up. We did not  
10 get any power from Ameren. We were not customers of  
11 Ameren on this property.

12           Now, lately we have because we started to  
13 build. Up here at the north, we had no more property at  
14 that time. There was the utility line to the west of  
15 this, but not on this. There was no easement over there.  
16 To the north off of County Road 624, which a lot of you  
17 know as Second Sister's Road, there is an easement that  
18 was put in our deed and we were certainly aware of that.

19           All right. We had the ice storms. We go  
20 out there as soon as the ice storm was over to check our  
21 property. I mean, certainly we could drive actually. And  
22 we find the whole west side has been clear cut of all the  
23 big trees. And it stretched over 25 to 30 feet on our  
24 end, a huge swamp almost 500 feet long.

25           Also, on the adjoining property owner, they

1 had face the same as our home. And I had seen it there,  
2 and I never felt -- I mean, I felt like I had been hit in  
3 the solar plexus, right in the stomach to see because that  
4 is the hand that made it. Well, in prior to that, of  
5 course, when the neighbors -- and it was Ameren --  
6 specifically, it was Ameren's contract crew.

7                   What they left here -- and right now I'm  
8 just going to talk about the west side, which is this side  
9 facing you, so that you're -- I'm terrible at left and  
10 right. We'll just -- anyway, that -- that's the -- I've  
11 got red marks. That's showing where vehicles -- big  
12 dual-wheel vehicles -- the ruts are still there.

13                   Then they stopped, and then they chainsawed  
14 all of this. And I have photos that I am submitting for  
15 your record to show you. This is ruts, big vehicle ruts  
16 that are still there. They left all the debris and the  
17 trunks. And these were matured oak trees. They were  
18 everywhere.

19                   On top of that they installed some new  
20 poles; higher poles, bigger poles. Those poles came over  
21 on our end. And in particular, they put a guy wire on one  
22 of the big poles. My brother was standing on his wet feet  
23 -- I mean, his boots in the water. And this guy wire is  
24 to stabilize the pole. The guy wire is on the property.  
25 You don't stabilize things that by putting guy wires on

1 the poles. And that's here on this map, right here where  
2 this yellow spot is.

3 The situation with the guy wire was brought  
4 to the attention of Mr. Mills. We had repeatedly and  
5 consistently written letters to Ameren with certified  
6 mail, return to sender. And then I'd have to write  
7 another letter -- I had to write another letter off that  
8 letter asking for a response. That's the -- you know, the  
9 first part of that motto is we listen. The second part is  
10 we respond. Well, their responses don't come through too  
11 quickly.

12 Well, Mr. Wayland, I guess called down here  
13 when he heard about this. And Ameren has now agreed --  
14 they did agree almost a year ago that they would come in  
15 and remove that guy wire off our property. They would not  
16 leave it there. We don't even know that it was put in  
17 right; they don't either because there's no markings on  
18 it.

19 Ameren agreed they would do it as soon as  
20 things dried out in the summer. And then they would bring  
21 in the equipment, and we would be there to supervise and  
22 be present. And they never showed up. And we had the  
23 mother of all droughts this past summer. If you remember,  
24 it was extremely dry. We never heard a thing. The next  
25 -- last spring -- or very early spring, Ameren's office

1 requested that we file a claim with their insurance. I  
2 was skeptical because we had not been given much anyway.  
3 We done up what the cost were, etc. But I went through  
4 all that paperwork, we did, and we filed it. We have yet  
5 to get a response.

6 Our damage -- and I collected the -- you  
7 know, the invoices from people around the area, who could  
8 come in and do part -- part of it -- you know, if you get  
9 in there -- because it needs to be cleaned up. It was  
10 under \$24,000. No, nothing, and no response -- I didn't  
11 get no response on that.

12 In addition to the chainsaw massacre that  
13 occurred over on the west side of our property, they came  
14 in on the east side of our property, which is about 600  
15 feet away, no road off the county road. They ran their  
16 dual-wheel trucks -- I don't know how many they had -- ran  
17 over our no trespassing sign right there off the county  
18 road. They ran all the way up to the neighbor's property  
19 line, and then cut the fence. And they went on through  
20 and came around, and then started working on the south  
21 side back down -- around up and down there.

22 Now, all the trees got cut on both sides of  
23 the fence. And then when they were over in the southwest  
24 corner, they took out our survey stake. We found it  
25 laying on the ground, and it had been tossed to the side.

1                   In addition, we have the trash. I have  
2 photos of where they left piles of trash all the way up  
3 and down our property on the west side. I'm going to show  
4 you -- that's what this big box is here.

5                   This crew was so respectful. They dumped  
6 -- I'm not going to handle it because you don't know where  
7 they've been. That's why I have these gloves. I mean,  
8 the food containers. There was lots of cigarettes; they  
9 were big smokers, a lot of butts.

10                  Cans of every sorts. Some of these are --  
11 they had hundreds of cans and plastic -- some of those  
12 that I recycled instead of showing them all to you. They  
13 kind of liked the ones that were high in caffeine, so I  
14 guess they were pretty regular like that. Sometimes you  
15 see a Sprite.

16                  Then we have stuff that you put on when  
17 you're rewiring; you have lots of that. And they had big  
18 pieces of wire and rubber. I didn't bring those either.  
19 So this kind of stuff -- I mean, it just goes on and on, a  
20 lot of food containers.

21                  Now, they even left their time sheet. And  
22 evidently they're from Diversified Services in Alabama.  
23 They clearly had no -- no supervision, and nobody came  
24 afterwards and said -- you know, and made them clean up.

25                  Now, one thing that we all know, even if we

1 didn't go to kindergarten, you should clean up after  
2 yourselves, right? You just don't throw out your trash.

3                   And then the ultimate was the used toilet  
4 paper. They were wiped, but they left a mess. And there  
5 were these piles all the way up and down that area. Yes,  
6 that is sad.

7                   Now, in this -- this tree cutting was not  
8 confined to us, as I mentioned earlier. Not only did they  
9 make it to the west of us in the form of a chainsaw  
10 massacre matched ours, they went south and got the  
11 neighbors to the south of us. In fact, Kitty Kandalaft  
12 had eleven to twelve trees cut on her -- we don't know the  
13 full amount.

14                   All of our neighbors except one --  
15 everybody had trees cut, and we're all elderly -- we're  
16 all retired people, and then we're dealing with this. We  
17 had enough stuff to deal with this storm. And the storm  
18 was terrible, as we all know. But it didn't do this.

19                   This is a tree of Kitty Kandalaft's, a  
20 12-foot high stump. That was cut by them. Ameren called  
21 her on the phone and asked permission to remove one of her  
22 trees. You can imagine the shock she got when she came  
23 home and what it did for her already bad heart condition  
24 when she saw eleven to twelve that had been cut down on  
25 the whole length of her property stretching from ours

1 back.

2 In response to this, Ameren has claimed  
3 that they cannot -- at first they offered to pay us \$1,900  
4 for -- so we could go buy six trees two and a quarter  
5 inches in diameter. Well, we can't -- our tree was up to  
6 32 inches in diameter. They were mature oaks. So that  
7 doesn't cut it. You know, that could have been a start,  
8 but it doesn't clean up everything.

9 And the cleanup is a lot of money, and --  
10 because you've got to get equipment in there. We can't  
11 get in there, even with our tractor and our old chainsaws.  
12 It needs professional work, all those downed trees.

13 Next, Ameren through Ms. Mason asked us if  
14 we would consider an easement -- giving them an easement  
15 because they did not have an easement on our property.  
16 They did not have that permission. And somehow they can't  
17 seem to figure out how to pay for what you've done without  
18 doing that. Fine, we'll consider it.

19 So last May she came down, and we took her  
20 on a trip and visited -- went out to see the damage. And  
21 this is the document that she brought with us -- with her  
22 and asked us to sign. And if we hurried and signed it  
23 that day, it was \$3,000.

24 Well, now, this easement -- when you read  
25 through it -- well, we took it and said we would check on

1 it later. I mean, this is, I have to say, a total insult  
2 to anybody with a brain. I mean, it's insulting to do  
3 this. I mean, what kind of people do you think we are?

4           This is an easement for our property. It  
5 does things like -- it gives a legal description of our  
6 entire property. It says they have the right to egress  
7 and ingress all over it, for all purposes herein. They  
8 have the right to cut trees -- to cut them down or trim  
9 them at any time and from time to time any and all the  
10 brush, saplings, trees, branches -- it goes on and on --  
11 upon the said premises for whatever reasons they want to  
12 do it.

13           They also have the right to the -- to  
14 license, permit or otherwise agree to let other people  
15 come in and use the line or lines of the land for  
16 electric, telephone, communication purposes -- I suppose  
17 they could even build a railroad, but that's not  
18 mentioned. And with the further right to remove at any  
19 time other things that might interfere with them. I mean,  
20 this is absurd.

21           So after we had this for a week, Ms. Mason  
22 called me again and said they were going to up the amount  
23 if we would sign it to \$5,000. Now, that still doesn't  
24 pay for all the damages. If they wouldn't pay out such a  
25 thing willingly -- or even unwillingly me, it's beyond me.

1                   But that is the disregard, I would say, and  
2 the contempt in which Ameren have shown to its neighbors,  
3 and we are its neighbors. One of the key things within a  
4 corporation is to establish good relations with your  
5 neighbors. I used to be in business myself. You want  
6 good relations with neighbors. It pays off in the long  
7 run. Although, there may not be a short-term payoff. But  
8 in the long run, establishing that trust is much better.

9                   And finally, part of the -- back to the  
10 damage, one of the most magnificent trees on our property  
11 was a 32-inch Cherrybark oak. And those are the only oak  
12 timber in Southeast Missouri are the Cherrybark oaks.  
13 They are really valuable. And they're special here. They  
14 don't grow further north, and they're pretty terrific  
15 trees.

16                   This tree was a 32-inch. It had been used  
17 as the basis for measuring all of our -- upon construction  
18 from the natural resources conservation service who  
19 designed the pond. It has little flags on it. They left  
20 the stump over three-foot tall. They cut it down. This  
21 was the site for our mother's cremains. This is where we  
22 had decided to put them. And that's a really -- that is  
23 the biggest hit of all. My mother was a leader in this  
24 town for many years. She was on the parks board. She  
25 planted trees everywhere. This was a tree that was in her

1 honor.

2 But even if it wasn't, you don't come on  
3 somebody's land and just run like road warriors every  
4 which way with a chainsaw. That's just wrong. And if  
5 that does happen -- because mistakes do happen, you make  
6 up for them.

7 We had already planted the wildflowers --  
8 her favorite wildflowers. I have photos of her  
9 grandnephews. It's Matthew Chesser visiting it after it  
10 was cut. That's what Ameren did. I think Ameren can do  
11 much better as a company. I think it has to. And I think  
12 it has to deal with us individually, as well as people in  
13 our state and in this service area. No more Taum Sauk, no  
14 more Johnson-Nichols property. Clean up after themselves.  
15 Clean up the messes that they've made, and it's a PR mess  
16 as well as the physical mess. Thank you.

17 JUDGE WOODRUFF: Thank you, Ms. Johnson.

18 CHAIRMAN DAVIS: Ms. Johnson, now, do we  
19 get -- do we get to keep the map, and do we get to keep  
20 the pictures? Or what --

21 MS. NICHOLS-JOHNSON: Yes. You get to keep  
22 the map, the pictures, the copy of an easement. The one  
23 thing I'm not going to give you, unless you really want  
24 it, is the trash.

25 CHAIRMAN DAVIS: Okay. Well, actually, if

1 -- I don't know -- I don't know how you want to do this,  
2 but I would like to get a copy of the piece of paper  
3 indicating the --

4 MS. NICHOLS-JOHNSON: Yeah, we can do that.

5 CHAIRMAN DAVIS: -- contractor. I mean, if  
6 possible.

7 MS. NICHOLS-JOHNSON: Yeah. Do you have a  
8 copier here?

9 CHAIRMAN DAVIS: I will see -- I will see  
10 if we can -- yes, I will see if we can get one.

11 MS. NICHOLS-JOHNSON: Okay.

12 CHAIRMAN DAVIS: I will see if we can get  
13 one. Okay. Now, let me just -- let me just hold this up.  
14 Okay. So the Ameren line runs straight down here on your  
15 property?

16 MS. NICHOLS-JOHNSON: Yes. It's to the  
17 west of our property.

18 CHAIRMAN DAVIS: It's to the -- okay. So  
19 this is west.

20 MS. NICHOLS-JOHNSON: Yes.

21 CHAIRMAN DAVIS: Okay. So there is no line  
22 there anymore?

23 MS. NICHOLS-JOHNSON: There is a line, but  
24 they put in new poles, and now some of them are over on  
25 us.

1 CHAIRMAN DAVIS: Okay.

2 MS. NICHOLS-JOHNSON: At least this one big  
3 one is.

4 CHAIRMAN DAVIS: Okay.

5 MS. NICHOLS-JOHNSON: And this one up here.

6 CHAIRMAN DAVIS: Okay.

7 MS. NICHOLS-JOHNSON: See, they took out  
8 our survey stakes, so we're at a loss.

9 CHAIRMAN DAVIS: Okay.

10 MS. NICHOLS-JOHNSON: Without getting it  
11 resurveyed -- which we want to charge -- we want them to  
12 pay for.

13 CHAIRMAN DAVIS: Right. And it's a 72KB  
14 model?

15 MS. NICHOLS-JOHNSON: Correct.

16 CHAIRMAN DAVIS: Okay. So that's a fairly  
17 big power line.

18 MS. NICHOLS-JOHNSON: Well --

19 CHAIRMAN DAVIS: Well, I mean, it's not  
20 365, but it's --

21 MS. NICHOLS-JOHNSON: No, it's not. I  
22 mean, I wouldn't consider that large, but...

23 CHAIRMAN DAVIS: Right. Okay. And right  
24 here is where you lost your survey stake?

25 MS. NICHOLS-JOHNSON: Yeah.

1 CHAIRMAN DAVIS: Okay. And then they came  
2 across your property over here on the -- on what I call  
3 the east side of your property --

4 MS. NICHOLS-JOHNSON: Correct.

5 CHAIRMAN DAVIS: -- to get egress to work  
6 on the line down here; is that correct?

7 MS. NICHOLS-JOHNSON: Well, I guess that's  
8 what they were looking for. They were trying to find  
9 that.

10 CHAIRMAN DAVIS: Okay. And so they  
11 actually cut the fence?

12 MS. NICHOLS-JOHNSON: Yes. It's still cut.

13 CHAIRMAN DAVIS: Okay. And so you -- it's  
14 your position that there's -- in light of everything, they  
15 never had an easement on your property?

16 MS. NICHOLS-JOHNSON: That's correct. I've  
17 been through -- we've been through with my title company  
18 -- first of all, I asked Ameren, I said, if you think  
19 you've got an easement on my property, show it to us in  
20 writing. Because we bought the land the year before, and  
21 I talked to the surveyor. And they could not, and did  
22 not. And that's when they started talking about, Well,  
23 we'll get an easement.

24 CHAIRMAN DAVIS: Okay. Okay.

25 MS. NICHOLS-JOHNSON: Because, no, they

1 didn't -- there's nothing recorded. There's nothing  
2 anywhere.

3 CHAIRMAN DAVIS: All right.

4 MS. NICHOLS-JOHNSON: But that was the  
5 first time is that they must have because why would they  
6 do it.

7 CHAIRMAN DAVIS: And this is the tree --

8 MS. NICHOLS-JOHNSON: Yeah, that's one of  
9 the trees.

10 CHAIRMAN DAVIS: And is this the same tree  
11 that --

12 MS. NICHOLS-JOHNSON: Yes.

13 CHAIRMAN DAVIS: -- that's in Photo 9?

14 MS. NICHOLS-JOHNSON: It is.

15 CHAIRMAN DAVIS: Okay. And I'm just --

16 MS. NICHOLS-JOHNSON: And I've got each of  
17 these sort of labeled up here. And I will give you all  
18 the captions to put with those.

19 CHAIRMAN DAVIS: Okay. Okay. Yes, that --

20 MS. NICHOLS-JOHNSON: That may help you.

21 CHAIRMAN DAVIS: That is good. And is this  
22 -- is this the line right here going across in this Photo  
23 No. 7?

24 MS. NICHOLS-JOHNSON: Uh-huh. And that's  
25 up on the property that's down here, the property to the

1 south of us. That's the 12-foot stump. I couldn't figure  
2 out how to get up there, how to do it. But that is that  
3 there.

4 CHAIRMAN DAVIS: Okay. And where does this  
5 line here go, do you know? Because it looks like there's  
6 something in the line.

7 MS. NICHOLS-JOHNSON: Yeah. This is -- I  
8 think it leads over to part of Jim's property, and then  
9 there's a house down that way too. I mean, it's two  
10 houses.

11 CHAIRMAN DAVIS: Okay. And looking here at  
12 Photo 5, this is a steel post you had marked on the  
13 corner --

14 MS. NICHOLS-JOHNSON: That is the survey --  
15 yes.

16 CHAIRMAN DAVIS: The survey marker,  
17 which --

18 MS. NICHOLS-JOHNSON: Yeah.

19 CHAIRMAN DAVIS: You know, I just want to  
20 -- I mean, this is -- this is not a piece of wood. It's a  
21 steel piece?

22 MS. NICHOLS-JOHNSON: That's correct. And  
23 that is a shot that's taken right here looking north, but  
24 the post is over here. There's a new post they put in --

25 CHAIRMAN DAVIS: Okay.

1 MS. NICHOLS-JOHNSON: And I think survey  
2 stake is in there in the dirt. And this T-post is in  
3 there somewhere. This is the guy wire.

4 CHAIRMAN DAVIS: Okay. Yes.

5 MS. NICHOLS-JOHNSON: And you can see  
6 where --

7 CHAIRMAN DAVIS: That's the edge of the  
8 pond back here?

9 MS. NICHOLS-JOHNSON: Yeah. The pond has  
10 now come up, you know. This was taken --

11 CHAIRMAN DAVIS: All right.

12 MS. NICHOLS-JOHNSON: -- probably late  
13 March, early April.

14 CHAIRMAN DAVIS: And just let the record  
15 reflect that that's of the three you're discussing here in  
16 to Ms. Johnson's homemade map. Okay. Now, these are the  
17 ruts in Photo 1?

18 MS. NICHOLS-JOHNSON: Yes.

19 CHAIRMAN DAVIS: Now, are these the ruts  
20 over here, or are they ruts --

21 MS. NICHOLS-JOHNSON: The ruts are here.

22 CHAIRMAN DAVIS: Okay.

23 MS. NICHOLS-JOHNSON: We could not get down  
24 here for six weeks or so. I mean, it was so messed up we  
25 couldn't even walk it. So I don't have any pictures of

1 this over here at that time.

2 CHAIRMAN DAVIS: Okay. All right. And  
3 forgive my recollection, Ms. Johnson, you did not bring  
4 this information to the local public hearing last year,  
5 did you?

6 MS. NICHOLS-JOHNSON: No.

7 CHAIRMAN DAVIS: No. Okay.

8 MS. NICHOLS-JOHNSON: No. I was out of  
9 town.

10 CHAIRMAN DAVIS: Okay.

11 MS. NICHOLS-JOHNSON: My brother was here,  
12 but he never could get on -- he had the map and  
13 everything, but he never -- he never could get on to  
14 testify, so...

15 MS. MEAGNER: I believe it got too late.

16 CHAIRMAN DAVIS: Okay. All right. All  
17 right. I'm going to grab your --

18 MS. NICHOLS-JOHNSON: Okay.

19 CHAIRMAN DAVIS: I'm going to grab this  
20 form. I'm just going to look at this piece of paper you  
21 brought. It's Diversified Services, Incorporated, 2910  
22 Highway 31 Southwest, Hartselle, Alabama, 35640. The  
23 phone number, (256) 351-8622. The fax is (256) 351-8680.  
24 And it looks to be some sort of worker's time sheet. So I  
25 just wanted to try to at least get some of that on the

1 record just in case -- nothing should disappear, but just  
2 in case I wanted to get that on the record for the  
3 transcript.

4                   Okay. All right. Ma'am, I don't think I  
5 have any further questions right now, but I think there  
6 will probably be some people from the staff and maybe some  
7 other people that want to visit with you. But thank you,  
8 and certainly we will take a look at this.

9                   MS. NICHOLS-JOHNSON: Okay. Good. Because  
10 since this has happened to us and word has gotten around,  
11 all kinds of people have called me. Now, I'm not in the  
12 process right now at this point in my life of organizing  
13 people, but they've had fences cut and cows run off, etc.,  
14 during that ice storm. You know, they want to talk to  
15 somebody about it, so they call me.

16                   So I think what I would suggest, because of  
17 that, is that -- and I know that you are doing an  
18 investigation -- however, the response to that hasn't come  
19 -- as you have done to some of the other things before  
20 that, is that if there is investigations in the future, it  
21 should be much more detailed and go out and actually look  
22 at what happened on the -- not maybe what Ameren wants to  
23 show, but what -- I mean, you're going to have --

24                   CHAIRMAN DAVIS: You're saying -- you're  
25 saying, Go look at the --

1 MS. NICHOLS-JOHNSON: Go look --

2 CHAIRMAN DAVIS: Go look at the lines that  
3 have been rebuilt, and talk to some of the property  
4 owners?

5 MS. NICHOLS-JOHNSON: Yeah. And the lines  
6 that were built in the wrong place -- they were built in  
7 the wrong place, anyway. It wasn't -- I mean, it wasn't  
8 accessible to whatever equipment that they had. Or maybe  
9 they had the wrong equipment; I don't know which. But it  
10 was not accessible.

11 CHAIRMAN DAVIS: All right.

12 MS. NICHOLS-JOHNSON: So I think that's  
13 something that you need to look at -- that you would want  
14 to look at from the liability. And another thing is many  
15 people are afraid that if they question Ameren they will  
16 be refused power or have their bills go up. It may be a  
17 little bit irrational; maybe it's not. I don't know. I  
18 just got power, so we'll see.

19 CHAIRMAN DAVIS: And, ma'am, just to make  
20 sure, did you contact the PSC before about this or --

21 MS. NICHOLS-JOHNSON: I have called them --  
22 I've done a lot of stuff on the phone.

23 CHAIRMAN DAVIS: Okay.

24 MS. NICHOLS-JOHNSON: Because I did a lot  
25 of research and found out what to do. I also contacted

1 Mr. Mills' office.

2 CHAIRMAN DAVIS: Okay.

3 MS. NICHOLS-JOHNSON: And he was very  
4 helpful. I found -- I was helped a lot by the PSC staff  
5 in making my way through the website to find reports on  
6 the storms, etc.

7 CHAIRMAN DAVIS: Okay.

8 MS. NICHOLS-JOHNSON: I also inquired with  
9 staff about going through their appeal processes that you  
10 have, but that did not look good to me. I mean, first,  
11 you've got to go to Jefferson City. It's a lot of  
12 expense. Ameren who is the one who knows the score on  
13 that one; we don't. We're the new kids on the block, so I  
14 just couldn't see where that was going to help.

15 In fact, I had hopes -- and I guess a part  
16 of me still does, that Ameren will just deal with this as  
17 an upfront, responsible mature company and not force  
18 everybody to go to court because it's not big enough to go  
19 to court. It shouldn't have to go to court.

20 CHAIRMAN DAVIS: Uh-huh.

21 MS. NICHOLS-JOHNSON: It shouldn't have to.  
22 I mean, that's not a way to run a business, I don't think.  
23 I wouldn't want to run it that way. But I will say that  
24 the staff is very helpful in answering questions I had.

25 CHAIRMAN DAVIS: Okay.

1 MS. NICHOLS-JOHNSON: And they walked me  
2 through the website. That was good.

3 CHAIRMAN DAVIS: Okay. And, ma'am, let me  
4 -- let me just ask you this --

5 MS. NICHOLS-JOHNSON: Uh-huh.

6 CHAIRMAN DAVIS: -- one last question.  
7 What would it take to make you happy?

8 MS. NICHOLS-JOHNSON: What it would take to  
9 make us happy is payment for what it's going to take for  
10 us to clean this up and plant new stuff.

11 CHAIRMAN DAVIS: Okay.

12 MS. NICHOLS-JOHNSON: And we'd have to be  
13 able to maintain those. We have to do a survey. And I  
14 think they should pay a fee, not really much, but \$2 a  
15 foot -- that's what other people charge -- for trespassing  
16 all over us. Call it learning. That would be \$4,000.  
17 And I don't want to have them on our property. I do not  
18 want -- I really do not want an easement because I have no  
19 trust in that.

20 CHAIRMAN DAVIS: Okay.

21 MS. NICHOLS-JOHNSON: So I don't want to  
22 sign, you know, that. I don't want to have to sign that  
23 in order to get cleaned it up and try to put things right,  
24 because you can't plant the trees -- I mean, you can't  
25 transplant the trees.

1 CHAIRMAN DAVIS: Uh-huh.

2 MS. NICHOLS-JOHNSON: But that would --  
3 that would be what we -- and then we would like to get on  
4 with our lives instead of having this hanging over us.

5 CHAIRMAN DAVIS: All right. And let me --  
6 let me just ask you: If you had to put a dollar amount to  
7 that -- I mean, what -- what would the dollar amount be?

8 MS. NICHOLS-JOHNSON: It was 23,700 a year  
9 ago. I haven't rechecked those, but I suspect most of  
10 them have not gone up.

11 CHAIRMAN DAVIS: Okay.

12 MS. NICHOLS-JOHNSON: So we're looking at  
13 -- I mean, maybe the price of trees has gone up. But that  
14 last time I checked, that's the big cost.

15 CHAIRMAN DAVIS: Okay. And that would  
16 include the entire cost of the survey, correct?

17 MS. NICHOLS-JOHNSON: Yes.

18 CHAIRMAN DAVIS: Okay. They only removed  
19 one survey marker?

20 MS. NICHOLS-JOHNSON: That's right. Well,  
21 you don't pay for the full -- you don't have to survey  
22 everything. But you've got to shoot down that line and  
23 then across the line. And I have in the insurance packet  
24 that we sent to their insurer, I had the survey who had  
25 originally done it when we bought the property. And so I

1 had that e-mail in there saying that this is what it would  
2 take.

3 CHAIRMAN DAVIS: Okay.

4 MS. NICHOLS-JOHNSON: So, you know, I  
5 checked everything -- and another thing that would -- that  
6 is included in that is you've got to be able to water them  
7 trees.

8 CHAIRMAN DAVIS: Uh-huh.

9 MS. NICHOLS-JOHNSON: And we've got a pond,  
10 but you've got to pump it out. And we can't run around by  
11 hand watering all those trees. We're good, but we're not  
12 that good.

13 CHAIRMAN DAVIS: Your pond was looking  
14 pretty dry in those pictures.

15 MS. NICHOLS-JOHNSON: Well, it was just  
16 newly built then.

17 CHAIRMAN DAVIS: All right.

18 MS. NICHOLS-JOHNSON: It was just starting  
19 to fill up.

20 CHAIRMAN DAVIS: Okay.

21 MS. NICHOLS-JOHNSON: But then the last  
22 summer took it down then. But it's two and a half --  
23 almost two and a half feet, so there's enough -- but you  
24 can only run a little solar pump, and then you do like a  
25 drip thing. I mean, we went to the tree people in

1 Sikeston that did this whole area. So they told us what  
2 you had to do to. We're not trying to carry buckets or...

3 CHAIRMAN DAVIS: All right. Thank you,  
4 Ms. Johnson.

5 MR. MILLS: I want to personally commend on  
6 a very coherent and easy to follow demonstration of what  
7 went wrong. And I think the record is going to be very  
8 clear on what has happened. And, Judge, before we finish  
9 I hope that we're going to admit those photos as exhibits.  
10 And I would like to request that you reserve an exhibit  
11 number for Ameren's response, because I think it would be  
12 important to get a response.

13 JUDGE WOODRUFF: Let me get the microphone  
14 so everyone can hear me. Yes, we'll mark this entire  
15 package of documents as Exhibit 1. And does anyone object  
16 to it's being received into evidence?

17 (WHEREIN, no response.)

18 JUDGE WOODRUFF: If there are no  
19 objections, it will be received.

20 (WHEREIN, Exhibit No. 1 was received for  
21 the record.)

22 JUDGE WOODRUFF: Would Ameren like to make  
23 some sort of response?

24 MR. BYRNE: Yes, Your Honor, we would.

25 JUDGE WOODRUFF: All right. Well, we'll

1 reserve Exhibit No. 2 for Ameren's response, which you can  
2 file, say, within the next 30 days.

3 (WHEREIN, Exhibit No. 2 was received for  
4 the record.)

5 MR. BYRNE: That will be fine. Thank you.

6 JUDGE WOODRUFF: Okay.

7 MS. NICHOLS-JOHNSON: I would like to  
8 receive a copy of the response.

9 MR. BYRNE: Oh, absolutely.

10 JUDGE WOODRUFF: Sure.

11 MR. MILLS: And just to go back almost a  
12 year ago when you and I first talked, last March, weren't  
13 you under the impression that Ameren was going to take  
14 care of all of this? Hadn't they committed to you to do  
15 the kinds of things that you want them to do?

16 MS. NICHOLS-JOHNSON: They had committed to  
17 taking out the guy wire, which we had an immediate safety  
18 concern about --

19 MR. MILLS: Sure.

20 MS. NICHOLS-JOHNSON: -- if the thing comes  
21 over. And that's when they had requested that other  
22 insurance. So go to our insurer, and we'll go from there.

23 MR. MILLS: And so was it around last March  
24 that you sent all of that information?

25 MS. NICHOLS-JOHNSON: Yes.

1                   MR. MILLS: And you still have not had any  
2 response one way or the other?

3                   MS. NICHOLS-JOHNSON: I have never seen a  
4 written response from their insurer.

5                   MR. MILLS: And they have not removed --  
6 they have not removed the guy wire or poles or nothing  
7 yet?

8                   MS. NICHOLS-JOHNSON: Nothing. Nope.

9                   MR. MILLS: None of that's happened.

10                  MS. NICHOLS-JOHNSON: Nope. They keep  
11 telling us that they had -- I mean, the local fellow keeps  
12 saying, I haven't forgotten. Now, Ms. Mason told us, when  
13 we took her on the field trip, that they were going --  
14 that they were going to claim it -- all the tree cutting  
15 and all of this was an act of God. The insurer -- they  
16 weren't going to pay us. So that's when she came out with  
17 the easement.

18                  But, you know, I don't feel -- as I'm sure  
19 a lot of the people here do -- and I would just love to  
20 see the hands of everybody who never heard of God taking a  
21 chainsaw and cutting down trees.

22                  MR. MILLS: Again, I appreciate you coming  
23 here and putting all of this evidence on, and this is a  
24 very good forum for you to ensure that you will get a  
25 meaningful follow-up.

1 MS. NICHOLS-JOHNSON: I hope so, too. One  
2 thing I'd like to ask the judge -- I'm not exactly  
3 volunteering for this, but if it's necessary, I will. We  
4 have all of this correspondence between us -- I mean,  
5 these letters have a few responses. If that's something  
6 that you want -- or does Mr. Davis want that, or --

7 JUDGE WOODRUFF: Certainly, if you want to  
8 go ahead and mail that to the commission, you can.

9 MS. NICHOLS-JOHNSON: Okay.

10 JUDGE WOODRUFF: It kind of depends on what  
11 Ameren's response is.

12 MS. NICHOLS-JOHNSON: Well, we'll receive  
13 that, and I'll do whatever you think I need to do, so...

14 JUDGE WOODRUFF: All right. Well, if you  
15 wish, you can go ahead and do so -- go ahead follow that  
16 up with the commission.

17 MS. NICHOLS-JOHNSON: Okay.

18 JUDGE WOODRUFF: We can consider it.

19 MS. NICHOLS-JOHNSON: Okay. Thank you.

20 JUDGE WOODRUFF: Any response from Ameren  
21 or from the staff?

22 MR. BYRNE: No, sir. Your Honor, we will  
23 provide a meaningful response within the 30 days.

24 JUDGE WOODRUFF: Okay. Thank you. Thank  
25 you, Ms. Johnson. And I'll just hold on to the documents

1 then, if that's all right.

2 MS. MEAGNER: No. I just have a statement.

3 JUDGE WOODRUFF: Oh, I'm sorry. Go ahead.

4 MS. NICHOLS-JOHNSON: I'm her helper.

5 JUDGE WOODRUFF: Okay. Ms. Meagner can  
6 come on forward. You've already been sworn.

7 MS. MEAGNER: My name is Dixie Meagner, and  
8 I live at 802 West Oak in Dexter. I'm going down a little  
9 different avenue than other people have, but this is my  
10 statement.

11 Why does Ameren advertise? Ameren in this  
12 area certainly is a monopoly, and it's regulated by the  
13 state. It doesn't have any competition. Ameren is  
14 running TV commercials. One ad tries to convince us that  
15 Ameren protects the environment. Ameren has a big sign  
16 behind home plate at the Cardinal's game. So how much  
17 does that cost?

18 Why does the PSC allow Ameren to spend  
19 money on advertising. It doesn't have any competition.  
20 Ameren needs to spend that money on upgrading its  
21 equipment and keeping our rates low, rather than  
22 advertising. We don't have a choice of utilities. We  
23 should have a real choice. Times are tough, and Ameren  
24 must cut back just like we are.

25 My husband and I have to count our pennies

1 and make hard choices. I saw on the Web that last year  
2 Ameren made 600 million dollars in profits. That's coming  
3 out of our pockets.

4 Our electric rates just jumped off the page  
5 last year. And now Ameren wants another raise, 11  
6 percent. I don't see that Ameren is delivering  
7 electricity that's 11 percent better. Ameren says it will  
8 use part of the raise to clean up some pollution at its  
9 power plants and ensure that its stockholders make more  
10 money. I absolutely think that is wrong. We deserve a  
11 clean environment, but we have no control over what Ameren  
12 did to our environment.

13 For decades Ameren kept operating those old  
14 coal-fired power plants, squeezing the last kilowatts out  
15 of them and spending millions on lawsuits and lobbyist to  
16 prevent enforcement of our air, water and waste loss.

17 In 2001, Ameren reported spending \$636,729  
18 on lobbying congress and federal agencies. Ten years  
19 later Ameren spent 700 percent more, over 4 million  
20 two-hundred thousand dollars. And this from  
21 OpenSecrets.org.

22 This is a chart showing how much money they  
23 have increased spending on lobbyist. Now, how many people  
24 in here -- how many of your salaries did not go up 700  
25 percent? There are lots, isn't there? Neither did mine.

1                   Ameren's power plants are serious  
2 polluters. There's sulfur dioxide, mercury, chromium,  
3 heavy metals, and the list goes on. Here's a printout of  
4 the toxic -- terms of toxic and dangerous pollutants that  
5 are dumped in the air, in the water and on land.

6                   It's no wonder our kids have asthma and we  
7 have birth defects. I'm looking through my sheets here.  
8 The environment belongs to us, to all of us. It's not  
9 Ameren's private dump. After all, it's always cheaper to  
10 run -- in the short run to pollute.

11                   The way I look at it, it is the  
12 stockholders that let Ameren's management -- the millions  
13 of lawsuits -- on lawsuits, lobbyists and poor corporate  
14 managers who put off and avoided cleaning up. Of course,  
15 the price tag is very high now. Cleaning up will cost  
16 more because Ameren delayed and made some bad decisions.

17                   Why should we pay for Ameren to be a good  
18 neighbor. That price tag is the responsibility of the  
19 stockholders. It shouldn't be the customers. I ask the  
20 Public Service Commission to fully investigate Ameren's  
21 spending on lobbying and lawsuits in the years of avoiding  
22 its responsibility to be a good neighbor. Thank you.

23                   JUDGE WOODRUFF: Thank you, Ms. Meagner.  
24 Any questions from Mr. Davis?

25                   CHAIRMAN DAVIS: Okay. Ms. Meagner, do you

1 think that competition would lower your rates?

2 MS. MEAGNER: Well, typically in a market,  
3 if there is competition for a service, the rates have a  
4 tendency to be lower.

5 CHAIRMAN DAVIS: Right. Where, for  
6 instance, if you -- if you go to the grocery store, and  
7 there are three types of milk on the shelf --

8 MS. MEAGNER: Uh-huh.

9 CHAIRMAN DAVIS: -- those -- those three  
10 competing prices of milk -- some milk is going to be  
11 cheaper, and some milk will be more expensive.

12 MS. MEAGNER: That is true.

13 CHAIRMAN DAVIS: Okay. Do you understand  
14 that with regard to electricity, that even if we -- even  
15 if we deregulate it, there would still only be one company  
16 in charge of it's transmission and distribution that you  
17 could -- you would still have to pay someone for -- you  
18 would still have to pay Ameren because they own the lines  
19 and would be providing the electricity for your house?

20 MS. MEAGNER: True. But I understand that  
21 in some of our rural areas, they have an option. They can  
22 go with REA or Ameren or whoever is out there. If you  
23 live in the town -- or in the township with the cities,  
24 you don't have a choice. It's the same with cable  
25 companies. There is no choice.

1 CHAIRMAN DAVIS: Right. Well, it's true  
2 that some rural areas where you might be in between two --  
3 like a rural electric co-op and Ameren or a rural electric  
4 co-op and a municipal utility, you might be able to  
5 choose. But once you make that election, you can't flip  
6 back. You realize that?

7 MS. MEAGNER: That's true. I realize that.

8 CHAIRMAN DAVIS: And so basically it's a  
9 one-time choice when you elect service.

10 MS. MEAGNER: Exactly. But under those  
11 circumstances, why does Ameren feel the need to spend  
12 money on advertising for a product I have no choice in  
13 getting. And if I want it, I have to take it.

14 CHAIRMAN DAVIS: Okay.

15 MS. MEAGNER: Advertising isn't cheap.

16 CHAIRMAN DAVIS: Okay.

17 MS. MEAGNER: You know that.

18 CHAIRMAN DAVIS: Well, ma'am, do you -- do  
19 you own stock?

20 MS. MEAGNER: In Ameren?

21 CHAIRMAN DAVIS: No. Just --

22 MS. MEAGNER: No.

23 CHAIRMAN DAVIS: -- any stock?

24 MS. MEAGNER: Yes.

25 CHAIRMAN DAVIS: And do you think --

1 MS. MEAGNER: A little.

2 CHAIRMAN DAVIS: Do you think it would be  
3 right for people to tell you how to spend your dividends?

4 MS. MEAGNER: No. It wouldn't be right to  
5 tell me how to spend my dividends. But those companies,  
6 by the same token, would not be coming back to me and  
7 saying, You're going to have to pay more for that stock  
8 you've got.

9 CHAIRMAN DAVIS: Well, it's --

10 MS. MEAGNER: I bought it.

11 CHAIRMAN DAVIS: That's true. But should  
12 you be able to tell Ameren's shareholders how they spend  
13 their shareholder money?

14 MS. MEAGNER: No. I just don't -- that's  
15 what I'm asking. What is the need to advertise and spend  
16 that money when you have a select market -- I mean, you've  
17 already got --

18 CHAIRMAN DAVIS: Would it make you feel  
19 better if you knew that the PSC, you know, has -- the PSC  
20 staff has some guidelines on advertising that -- that the  
21 PSC staff will support advertising only when it's for a  
22 very limited set of purposes that serve the public's  
23 interest and will not pay for advertising that is not in  
24 the public's interest?

25 MS. MEAGNER: That would probably help, but

1 I'm -- I think I'm correct in -- pretty typical of the  
2 citizens, really. I mean, I may not considerably  
3 understand all the innuendos that -- that transpire. But  
4 when they see you advertising for something that there's  
5 no choice for, for Ameren -- I mean, we have Ameren, so  
6 you don't really need to advertise down here.

7                   They see that as wasteful spending, and  
8 then they turn around and they ask for an 11 percent  
9 increase on their rates.

10                   CHAIRMAN DAVIS: Uh-huh.

11                   MS. MEAGNER: My house is very fuel  
12 efficient. I've done everything I can to keep my costs  
13 low. And over the last few years, every year I get a  
14 chart from Ameren telling me -- comparing my utilities  
15 from the year before. The last three years my usage has  
16 gone down, but my rates keep going up. And I'm on a  
17 limited income. I do have a job that I work at part time.  
18 I haven't gotten a raise in ten years, and I haven't  
19 gotten -- well, she explained to me why you were  
20 advertising. You get a tax deduction for advertising?

21                   CHAIRMAN DAVIS: Well, I don't get any tax  
22 deductions.

23                   MS. MEAGNER: Well, Ameren.

24                   CHAIRMAN DAVIS: And once again, I don't  
25 know that they would get a tax deduction for advertising

1 or not. It's never come up in this case. I mean,  
2 advertising expenses do come up, but whether or not they  
3 get a tax deduction --

4 MS. MEAGNER: You get a tax break or a tax  
5 deduction or cost of expense for doing business.

6 CHAIRMAN DAVIS: Now, Ms. Meagner, I guess  
7 the last question that I would ask is: I guess you make  
8 the argument that Ameren has somehow been imprudent over  
9 the -- over the last decade with regard to their -- to  
10 their operation of their coal plants. I mean --

11 MS. MEAGNER: Right. You have old coal  
12 plants. And part of your reason for increasing your rates  
13 is to upgrade, correct?

14 CHAIRMAN DAVIS: Uh-huh.

15 MS. MEAGNER: Your coal plants.

16 CHAIRMAN DAVIS: Uh-huh.

17 MS. MEAGNER: I personally feel like this  
18 is something that should have been done a long time ago.  
19 I mean, isn't it an ongoing thing that you upgrade your  
20 equipment throughout the years, as you go along? At some  
21 point, do you upgrade or is this just in the last --

22 CHAIRMAN DAVIS: Do you know if they  
23 haven't been upgrading --

24 MS. MEAGNER: I don't know that.

25 CHAIRMAN DAVIS: -- consistently through

1 the years?

2 MS. MEAGNER: I don't know that. All I  
3 know is that part of the reason for your increase is so  
4 you can improve your coal-fired plants because they are  
5 costly. And I'm assuming that that is part of why you're  
6 wanting the rate increase -- part of it, anyway.

7 CHAIRMAN DAVIS: Are you aware that I am a  
8 PSC commissioner and that I work with the State of  
9 Missouri. And I'm responsible for setting rates, and I'm  
10 not the company?

11 MS. MEAGNER: Right. I know that.

12 CHAIRMAN DAVIS: Okay. I just wanted to  
13 make sure. And with regard to the -- are you referring to  
14 the use of the scrubbers? Is that what you're referring  
15 to?

16 MS. MEAGNER: Scrubbers. I'm not familiar  
17 with that.

18 UNIDENTIFIED SPEAKER: That's the cleaners.

19 MS. MEAGNER: Yeah.

20 CHAIRMAN DAVIS: Yeah. And are you aware  
21 that they're -- we're seeing some EPA regulations -- some  
22 new EPA regulations that prompted the installation of  
23 those scrubbers? So you're saying --

24 MS. MEAGNER: Well, I'm just saying that --  
25 and I think probably everybody, from previous testimony

1 that we've heard today, your costs are going up. Our --  
2 and you're passing that cost down to us, but our incomes  
3 are not going up. We're down here. Food costs are going  
4 up. Utilities are going up. Your costs are going up, but  
5 you're passing that onto us. So -- not you, per se, but  
6 Ameren is.

7                   There has got to be a point where enough is  
8 enough. The coal-fired plants -- power plants, if that's  
9 what they want to upgrade, should have been upgraded all  
10 along. It shouldn't come as like -- well, now, we need to  
11 do this.

12                   But anyway, my problem is the advertising,  
13 and you've pretty much answered that question.

14                   CHAIRMAN DAVIS: Okay. All right.

15                   MS. MEAGNER: Advertising for something to  
16 which we don't have a choice in. If we want utilities, we  
17 have to go with them.

18                   CHAIRMAN DAVIS: All right. Thank you,  
19 ma'am.

20                   MS. MEAGNER: Thank you.

21                   JUDGE WOODRUFF: Any questions from the  
22 parties?

23                   (WHEREIN, no response.)

24                   JUDGE WOODRUFF: All right. Thank you.

25 The next name on my list is Tim Griffin. Is Mr. Griffin

1 still here?

2 (WHEREIN, no response.)

3 JUDGE WOODRUFF: He may have left. I saw  
4 another lady raising a hand. Would you like to come  
5 forward.

6 MS. SWALLOWS: My name is Carol Swallows.

7 JUDGE WOODRUFF: Would you like to come up  
8 and testify?

9 MS. SWALLOWS: Yes, I would.

10 JUDGE WOODRUFF: Good afternoon,  
11 Ms. Swallows. If you would please raise your right hand.

12 Do you solemnly swear or affirm the  
13 testimony you're about to give in this matter is the  
14 truth, the whole truth, and nothing but the truth?

15 MS. SWALLOWS: Yes, I do.

16 JUDGE WOODRUFF: Would you tell us your  
17 name, please.

18 MS. SWALLOWS: My name is Carol Swallows,  
19 and I live in Dexter, Missouri. And as she was talking  
20 about the scrubbers, my son, my husband, my brother-in-law  
21 and my brother and many other members of my family are  
22 boilermakers. And they work out of Local 27 in St. Louis,  
23 Missouri. And they do go in and replace the scrubbers and  
24 redo the coal plants.

25 And my son is right now building a new coal

1 plant in Chester, Illinois. And they do go in and update  
2 them about every two years. I know that for a fact. And  
3 my brother died from that with cancer of the lung, and he  
4 lived a year with it.

5                   And what I also wanted to say is that I  
6 don't think Ameren should raise their rates this time. I  
7 think they need to wait until times are better for the  
8 people. And when -- we are now living in a depression,  
9 whether a lot of people feel it or not. The lower class  
10 people, the poorer people that have to depend on Social  
11 Security, they are feeling it very badly.

12                   People that draw maybe two or  
13 three-thousand dollars a month pension or Social Security,  
14 or both, they may not feel it as bad as the people that  
15 live on like six-hundred or seven-hundred dollars a month  
16 Social Security. And if you're in this certain bracket  
17 with Social Security, you only have Medicare.

18                   And Obama has a plan now, if it gets  
19 passed, to cut our Medicare and our Medicaid. And he's  
20 going to -- he has a plan to cut heating assistance 3  
21 billion dollars. But yet, he can turn around and give 3  
22 billion to another country. And that's where a lot of our  
23 problems is coming from, is him.

24                   And as far as our governor, I don't like  
25 him anymore since he's been elected because he lets Ameren

1 have everything they want. I think they had a little  
2 political thing going on when he was running. That's my  
3 opinion, and from what I've been told by some local  
4 officials in the unions. And I have family that are  
5 presidents of those unions.

6 And also, I am a senior citizen. And I'm  
7 not speaking for only myself, but every senior citizen or  
8 anyone who is disabled that has to live on a small amount  
9 of money. For instance, I live on Social Security off of  
10 my husband, and it's only \$692 a month.

11 I have Medicare and I have Medicaid, but  
12 they are cutting me on that. They're not letting me have  
13 all the medications that I need because I have this  
14 terrible bone disease and a spine disease. And so I'm  
15 going to be suffering quite a bit from all of that cut  
16 that he -- if they pass the cut. And he's planning that  
17 it's supposed to last for five years.

18 But I live on \$693 a month. I pay \$333 a  
19 month rent for a two-room house. And it costs me -- my  
20 last bill this month was \$200 for a small two-room house  
21 that I only heat one room. I close the bedroom off and  
22 sleep on the sofa in the living room in order to save  
23 money on my bill.

24 And then I have my phone bill and my cable  
25 bill, which we're hooked on that too. See, because, they

1 only -- they have rates set where you can only get this or  
2 that. You have to take a certain thing for a certain  
3 rate.

4                   And then when the government changed all  
5 that, where we couldn't use an outside antenna on our  
6 houses, we're forced again to take what we don't want --  
7 what we have to have. Well, we don't have to have it, but  
8 we have it if we want entertainment.

9                   And most people, senior citizens, they  
10 either go to church or they watch their TV for  
11 entertainment. But what I'm saying is, you pay \$333 a  
12 month rent -- and a lot of them pays a lot more -- and I  
13 don't live in a housing unit because I can't live where  
14 there's concrete and blocks because of my lung disease. I  
15 have to live in a house. Therefore, I pay \$100 -- and you  
16 just count this up. \$100 for my cable, and then I get a  
17 \$200 gas bill for one room.

18                   Now, does that logical to you for one room  
19 that is a 40 by 15? One room \$200. I can't pay it and  
20 keep myself in food and the medicines and co-pays that I  
21 have to pay. And I'm not speaking for myself. I'm  
22 speaking for a lot of people. There are families I know  
23 right now that do not have any heat in their house. They  
24 do not have any water in their house. They have to pay  
25 their water bill and then another \$80 to get their water

1 turned back on. And then there's the ones that can't pay  
2 their rent.

3                   And we're fixing to lose another plant.  
4 It's going to another country and to two other states,  
5 from what I understand. That's going to leave Dexter with  
6 only one industry, and that's the chicken factory. And  
7 there's very few people that can work in a 36 degree  
8 temperature all day. It makes them sick. They can't  
9 handle it. They have fibromyalgia. They get a lot of  
10 diseases from working in that plant. They may have to  
11 work in it because that's going to be all that's left.

12                   But that covers a lot of counties in  
13 Arkansas too, because they come from them places to work.  
14 So there's going to be that many more people that's going  
15 to be needing. And they're going to have to be paying  
16 more and more on power. The government won't give it to  
17 them.

18                   So I think that Ameren UE, sir, needs to do  
19 some cutting, cutting of your wages. And I think also  
20 that the senators, the congressmen and the state  
21 representatives, and the president can cut out a lot of  
22 his partying and a lot of his vacations. I think they all  
23 can take a cut.

24                   If we have to take a cut, you should take a  
25 cut. What do you think?

1 UNIDENTIFIED SPEAKER: It's what I've  
2 already said.

3 JUDGE WOODRUFF: Thank you, ma'am. There  
4 might be some questions for you.

5 CHAIRMAN DAVIS: Ms. Swallows, I don't have  
6 any questions, but I just want to say thank you. I mean,  
7 obviously, it's a hardship just for you to get here today  
8 and testify, and we do appreciate that. Thank you for  
9 coming out and for representing things that need to be  
10 heard. Thank you.

11 MS. SWALLOWS: You're welcome. I'll be  
12 back if you don't get anything done.

13 JUDGE WOODRUFF: Questions from the  
14 parties?

15 (WHEREIN, no response.)

16 JUDGE WOODRUFF: Thank you, Ms. Swallows.

17 MS. SWALLOWS: You're welcome.

18 JUDGE WOODRUFF: Anyone else wish to  
19 testify?

20 MS. JACKSON: I didn't put my name down,  
21 but she brought up something that --

22 JUDGE WOODRUFF: Well, come forward,  
23 please, and I'll swear you in. Please raise your right  
24 hand. Do you solemnly swear or affirm the testimony  
25 you're about to give in this matter is the truth, the

1 whole truth, and nothing but the truth?

2 MS. JACKSON: I do.

3 JUDGE WOODRUFF: Tell us your name, please.

4 MS. JACKSON: Margaret L. Jackson, daughter  
5 of Gordon A. Reynolds, engineer for Missouri Utilities,  
6 and then VP for 31 years.

7 JUDGE WOODRUFF: Okay. What would you like  
8 to tell us?

9 MS. JACKSON: Okay. I got up and talked a  
10 little bit about how I felt about how they could save  
11 money by going over to something besides power. I mean,  
12 move power plants and the coal. And I don't know his  
13 name, but he didn't receive me very well because I wanted  
14 solar and wind brought into this. But I'm not going to  
15 get into this.

16 She brought up a sore part in my life that  
17 happened in '77 when my dad died. My dad had been a  
18 faithful employee for Missouri Utilities, and then he  
19 worked and ran the Oran Power Plant. When UE came in, he  
20 went back to college and got a degree in how to build all  
21 these big substations transferring the electricity from  
22 St. Louis where it was being produced down to the area --  
23 down in this area.

24 Okay. My dad all of a sudden was going  
25 down, losing weight and losing weight. He came up with

1 cancer in the lungs and in the brain. What it was  
2 diagnosed was from the coal and being around all this for  
3 years. My dad only lived three months. This was the  
4 transition between Missouri Utilities that he had been  
5 employed by, and they had backed him and paid his bills  
6 through everything.

7 Well, when UE takes over, they go ahead --  
8 my mom and daddy, they didn't go ahead and give my mother  
9 or the family his retirement or keep her on the insurance  
10 like they did all the other men. Gene Howell was an  
11 engineer and everything. I can name -- oh, my gosh, name  
12 man after man. They all died from the same thing under  
13 five years. None of them lived over three years.

14 UE did not honor their employees. They  
15 would have taken care of them. My mother never got the  
16 insurance. She never got this retirement he worked so  
17 hard for. Missouri Utilities had it in the contract in  
18 the transition that he would get this. UE did not -- my  
19 mother never got it. We got -- he worked for the utility  
20 company. They gave him a check for \$31,000. That was it.

21 And all the other widows got to keep the  
22 insurance, and she got a -- you know, was supposed to get  
23 -- what do you call it? -- a retirement -- you know, his  
24 retirement checks. He was 58 years old, and he devoted  
25 his life. He was a great -- he invented so many things

1 for solar. And I went in his -- I was his only child. I  
2 went in his tracks, and I followed. And I have a great --  
3 I can build anything just as good as my dad did.

4                   And like I said, I didn't really intend  
5 this. But when I heard how her brother had died because  
6 of this -- that's why we need to get away from our uranium  
7 plants and all this. I know you're not here to hear this.  
8 But Missouri -- UE did not take care of their employees.  
9 They did not do my dad right.

10                   And like I said, I think they should have  
11 to hear this. Yeah, it's been years ago, but it still  
12 hurts. I lost my dad when I was 32 years old, and he  
13 should have lived to be a hundred. He was in good shape,  
14 but because of this -- and he shouldn't have been denied  
15 -- my mother should have gotten to keep her health  
16 insurance like all of the other widows did. But UE didn't  
17 take care of their employees. They washed it out. Okay.  
18 That's what I wanted to say.

19                   JUDGE WOODRUFF: Thank you, Ms. Jackson.  
20 Any questions? Questions from parties?

21                   (WHEREIN, no response.)

22                   JUDGE WOODRUFF: Thank you, ma'am. Does  
23 anyone else wish to testify? Yes, sir. Come forward  
24 please. Good afternoon. Please raise your right hand  
25 after you sit down there. Do you solemnly swear or affirm

1 the testimony you're about to give in this matter is the  
2 truth, the whole truth, and nothing but the truth?

3 MR. FLETCHER: I do.

4 JUDGE WOODRUFF: Okay. Can you tell us  
5 your name, please?

6 MR. FLETCHER: I've sat here and listened  
7 to --

8 JUDGE WOODRUFF: I'm sorry. I need your  
9 name first.

10 MR. FLETCHER: Oh, sorry. Jack Fletcher.  
11 I'm from Gideon, Missouri.

12 JUDGE WOODRUFF: Okay.

13 MR. FLETCHER: I'm in the agriculture  
14 business.

15 JUDGE WOODRUFF: All right. What would you  
16 like to tell us?

17 MR. FLETCHER: Okay. I've sat here and  
18 listened to all of these problems these folks have. I  
19 come from a little town of 1,100 people, and we recently  
20 installed that new water system. They had to have one of  
21 your government money. I'm not for sure just what the  
22 technicalities were, but at least the government has  
23 control of the rates.

24 And we were a little town that didn't have  
25 meters; we just had a flat rate. And most of the water

1 bills, I think, were water sewer and everything else. It  
2 wasn't much more than 15, \$20. But the government set the  
3 rate on it just because I think they have to pay this  
4 money back. That's why the government has the authority  
5 to do that.

6 Our water bill is jumping about 400  
7 percent. And some of these folks know what I'm talking  
8 about. And we have a town of poor people that just can't  
9 afford it. Now, the thing that I get out of all of this  
10 is, I don't see where anybody in this room has got much  
11 control over that. The problem is in Washington, to be  
12 honest with you. But, also, these folks are concerned --  
13 and I also can understand Ameren's position.

14 I ran a cotton field for over 60 years, and  
15 I know what it takes to run machinery. And I know what's  
16 involved, and I know you have to update it and all these  
17 things.

18 But in agriculture I'm one those end users.  
19 And when I have a problem with my finances, I don't have  
20 anybody to pass them along to. And people like Ameren UE  
21 and people like that ought to understand that. There's  
22 people out here that we have to -- we have to figure out a  
23 way to get by, whether it hurts us or -- I lost a very  
24 large crop of vegetables one time, not too long ago,  
25 because they were all ready to harvest and a big rain came

1 for two weeks and I couldn't get in there.

2 By the time we could get in there, the  
3 vegetables had matured to the point to where they were not  
4 acceptable. I lost it. You know, nobody came to my aide,  
5 not a single soul. And I couldn't get anybody to carry  
6 me. And the same thing applies to me every time I'm in  
7 the fields.

8 But my point is this, I appreciate Ameren  
9 UE on behalf of the ice storms and all this. But do these  
10 things have to -- and when they get in trouble, it's got  
11 to -- to me, it's not very good business manners to be  
12 able to come in and say, Well, I'm in trouble and you're  
13 going to have to get me out. I've never been in that  
14 position in my whole life.

15 When I have a problem in my business and  
16 I'm losing money, I've got to figure out a way to take  
17 care of it myself. They should be able to do the same  
18 thing if they're any kind of business people whatsoever.  
19 Thank you.

20 JUDGE WOODRUFF: Questions?

21 CHAIRMAN DAVIS: Mr. Fletcher, can you hang  
22 on just a second? I just want to inquire of you real  
23 quick. And if you have any knowledge of this, that's  
24 fine. But back two or three years ago, there were some  
25 cotton owners from down south who had some quality of

1 service issues with Ameren. And do you have any kind of  
2 -- I mean, if everything is fine in Gideon, that's good to  
3 know. I'm just asking. I mean, have things gotten  
4 better? Do you know? If you don't, that's fine.

5 MR. FLETCHER: I don't -- I don't recall  
6 having too much problems with the service. All I know is  
7 there is a -- our main line is right behind my house. My  
8 neighbor behind me is on REA, and I'm on Ameren.

9 CHAIRMAN DAVIS: Uh-huh.

10 MR. FLETCHER: And I do know his power  
11 doesn't go out near as often as mine, but -- but, you  
12 know, I don't know how much control they have over that.  
13 Now, whether somebody had a wreck and knocked the pole  
14 down, I don't know.

15 CHAIRMAN DAVIS: Uh-huh.

16 MR. FLETCHER: But I do know that our area  
17 -- of course, our area is spread out. There's a lot more  
18 territory to cover. I know Ameren UE is also big.

19 CHAIRMAN DAVIS: Now, there at your home,  
20 have you noticed a change in the last couple of years?  
21 Have you had fewer outages? Is it just the same? More  
22 outages?

23 MR. FLETCHER: I can't say if it's  
24 increased or decreased. I'd say it's about the same.

25 CHAIRMAN DAVIS: Okay.

1                   MR. FLETCHER: And I don't -- I don't hold  
2 the power company necessarily responsible for that.

3                   CHAIRMAN DAVIS: Okay.

4                   MR. FLETCHER: But I do know that when we  
5 had the ice storm, they found out that an awful lot of  
6 transmission poles should have been replaced a long time  
7 ago. But I also know those big -- we call them H-lines.  
8 Around Gideon you've got five of those things attached  
9 within a radius ten miles of Gideon. And every one of  
10 them went down. I suspect those poles were thought to be  
11 in good shape, but I also saw some secondary lines where  
12 the poles are just -- couldn't hold it. But there was an  
13 incidence -- lack of maintenance, lack of something, so  
14 it's just like the compost I mentioned earlier.

15                  CHAIRMAN DAVIS: Uh-huh.

16                  MR. FLETCHER: Even animals -- I know of a  
17 draining ditch that busted. What happened was there was  
18 muskrat buried underground -- underwater. Nobody caught  
19 it.

20                  CHAIRMAN DAVIS: Uh-huh.

21                  MR. FLETCHER: The first thing you know  
22 it's flooding out. So, you know, I don't know -- but I  
23 don't know who to put responsible for any of this.

24                  CHAIRMAN DAVIS: Uh-huh.

25                  MR. FLETCHER: I do know that in my

1 business I have competition. And my biggest -- the  
2 biggest thing you can have is volume. They've got the  
3 volume.

4 CHAIRMAN DAVIS: Uh-huh.

5 MR. FLETCHER: When you've got volume, you  
6 can spread out everything.

7 CHAIRMAN DAVIS: Uh-huh.

8 MR. FLETCHER: So they should be able to  
9 supply power cheaper than, say, REA. They should be. I  
10 don't know, but like I said, when I have a problem, I  
11 can't go to somebody and say, Hey, I need help with this.

12 CHAIRMAN DAVIS: All right.

13 JUDGE WOODRUFF: Is that all you wanted  
14 from him?

15 CHAIRMAN DAVIS: That's all I wanted,  
16 Mr. Fletcher. I am familiar with Gideon. My grandparents  
17 used to live there on the highway between Risco and  
18 Malden. My grandmother taught school at Risco for 34  
19 years, so I'm --

20 MR. FLETCHER: I've been there 83 years.

21 CHAIRMAN DAVIS: So, anyway, thank you.

22 JUDGE WOODRUFF: Anyone else wish to  
23 testify.

24 (WHEREIN, no response.)

25 JUDGE WOODRUFF: I don't see any other

1 hands going up. So I thank you-all for coming this  
2 afternoon, and we are adjourned.

3 (WHEREIN, proceedings adjourned at  
4 2:11 p.m.)

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1	I N D E X	
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## 12 E X H I B I T S

13	1	Map, Photos, Captions And Easement Proposal	39
14			
15	2	Ameren's Response	40

16 (The original Exhibit 1 was retained by the court reporter  
 17 and will be copied and attached to copies of the  
 transcript. Exhibit 2 will be provided to Judge Woodruff  
 18 within 30 days.)

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