

Exhibit No.: _____
Issues: Adverse Effects of Route
Witness: Herbert Kramer
Exhibit Type: Rebuttal Testimony
Sponsoring Party: Intervenor CCOFFH

Case No. EO-2002-351
Date: August 8, 2002

MISSOURI PUBLIC SERVICE COMMISSION

CASE NO. EO-2002-351

**REBUTTAL TESTIMONY
OF
HERBERT KRAMER**

ON BEHALF OF

**INTERVENOR CONCERNED CITIZENS OF FAMILY
FARMS AND HERITAGE**

JEFFERSON CITY, MISSOURI

FILED²
AUG 08 2002
Missouri Public
Service Commission

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Union)
Electric Company for Permission and)
Authority to Construct, Operate, Own, and) Case No. EO-2002-351
Maintain a 345 Kilovolt Transmission Line)
in Maries, Osage, and Pulaski Counties,)
Missouri ("Callaway-Franks Line").)

AFFIDAVIT OF HERBERT KRAMER

Herbert Kramer, being first duly sworn, deposes and says that ___ (he/she) is the witness who sponsors the accompanying testimony entitled "Rebuttal Testimony of _____"; that said testimony was prepared by ___ (him/her) and/or under ___ (his/her) direction and supervision; that if inquiries were made as to the facts and conclusions in said testimony, ___ (he/she) would respond as therein set forth; and that the aforesaid testimony is true and correct to the best of ___ (his/hcr) knowledge.

Herbert Kramer

State of Missouri
County of Osage
SUBSCRIBED and sworn to
before me this 23rd day of July, 2002.

Phyllis Brandt
Notary Public

My Commission Expires: 5-18-06 PHYLLIS BRANDT
Notary Public-Notary Seal
STATE OF MISSOURI
Osage County
My Commission Expires: May 18, 2006

**DIRECT TESTIMONY OF
HERBERT KRAMER**

1 Q. Please state your name and residence address.

2 A. Herbert Kramer, Route 2, Box 103-B, Linn, Missouri 65051.

3 Q. Are you a property owner in one of the three counties through which Union Electric
4 Company is applying for permission and authority to construct, operate, own and maintain
5 a 345 kilovolt transmission line?

6 A. Yes, I am the owner of property which I am advised will be crossed by this new 345,000 volt
7 transmission in Osage County.

8 Q. What is the purpose of your testimony?

9 A. I am providing this testimony in opposition to the application to construct this transmission
10 line on the route requested by Ameren UE. The law requires that construction of this power
11 line must be shown by Ameren UE to be necessary and convenient for the public service.
12 Regardless of any necessity for a transmission line somewhere else, it is neither necessary
13 nor convenient to the public to build the transmission line as proposed. The line can be
14 constructed in other areas and its construction in the place and manner proposed will be
15 destructive of family farms, family farm values, and does irreparable harm to the history and
16 heritage of the local area and its communities.

17 Q. Are you a member of the Intervenor group known as Concerned Citizens for Family Farms
18 and Heritage?

19 A. Yes, I am a member of that group and offer my testimony in support of its statement of
20 purpose, which is attached to this testimony and incorporated.

1 Q. Have you as a property owner in the path of the proposed transmission line been contacted
2 by Ameren UE for purpose of discussing where the line would go through your property and
3 what alternatives, if any, might be available?

4 A. We have never been contacted by Ameren UE to discuss where the line would go, or how
5 the right of way would be cleared, or what they would do with the brush and timber.

6 Q. How long have you owned the property in question?

7 A. We have owned the property since 1961.

8 Q. Could you describe the nature of the property and its past and current use?

9 A. Our family residence and buildings for farming business are on this property. Also, pasture
10 land and ponds for cattle. Ideal sites for building lots will be destroyed by this proposed line.

11 Q. Is the current use of the property income producing to you?

12 A. Yes. Cattle raised on this land is our main source of income.

13 Q. Is the proposed transmission line to run near or over any residence, structures, or
14 improvements to your property?

15 A. As proposed, the line will be 270 feet from our dwelling and 91 feet from our hay barn. It
16 will cross over ideal building sites, and also a large pond stocked with fish and used for
17 livestock water.

18 Q. Do you already have any power lines over your property?

19 A. Yes. A 161 kV Central Electric line crosses our property.

20 Q. Will the proposed power line, if built, affect the value of your land?

21 A. Yes. A power line of this size on my property will without question decrease the overall
22 value of the remaining property. The power line itself, the large easement taken on a strip

1 through that part of the property will impair present and future use of the entire parcel of
2 property I own. The option of selling the property to get rid of the problems caused by the
3 power line is unavailable. The power line will make the property virtually unsaleable,
4 requiring that I simply live with Ameren UE's solution to a problem that I do not feel I even
5 share with them. While I am unsure of the health affects of such a large power line so close
6 to my own daily activities, it is ingrained in the popular mentality that such power lines
7 constitute a health hazard, rendering unlikely any sale of my property at all. No one will buy
8 this property with this 345,000 volt electric line through it. The proposed line will wipe out
9 a large walnut grove standing between the present line and our home. This hides the line
10 presently on our property. We have worked 41 years building this home and business into
11 something we are proud of. We receive many compliments on our beautiful property. Can
12 you imagine the devastation of losing 41 years of hard work and planning to a large company
13 that has no consideration of people's feelings and rights? The future of our children who will
14 some day own this is at stake. The line will destroy the beautiful building sites or location
15 they would build on and take over our business. That is how the line will destroy our future
16 plans and income.

17 Q. What other adverse impacts do you feel this line will create for yourself and others?

18 A. The attached statement of purpose for Concerned Citizens for Family Farms and Heritage
19 sums up the overall bad impact. I and my neighbors live where we do by choice. We forego
20 the luxuries of more urban living in exchange for the peace, quiet and more rustic lifestyle
21 of the family farm and the small local community. Every reason and purpose that my
22 neighbors and I own property here for is drastically impaired or practically destroyed by the

1 presence of this high voltage power line, and the constant commercial activity anticipated in
2 building and maintaining it in the future. Central Electric presently crosses our property as
3 they please. They do not stay on their easement. Can you imagine two companies crossing
4 your property with their large equipment. The destruction, cutting ruts, trucks and crews
5 passing next to our dwelling would be an intrusion of our privacy.

6 Q. Do you know of any alternatives to the Ameren UE proposal which might change your
7 opinion about this project?

8 A. The alternatives are all within the power of Ameren UE to implement, and I do believe an
9 alternative exists. I believe Ameren should restudy the route and balance the interests of the
10 community against their need to relieve overloading problems. There are other corridors
11 equally available to Ameren to build this line which would be better able to bear the burden
12 of the line's presence without destroying property values, life styles and family farms. My
13 neighbors and I have no alternatives, and construction of the line as proposed will change our
14 lives and circumstances forever. We will not be able to sell even though we may not wish
15 to stay. Given our lack of options and alternatives, and the numerous alternatives available
16 to Ameren UE to put this line almost anywhere it wants, it is my hope that the Public Service
17 Commission will require Ameren UE to balance their mere commercial need against our vital
18 need to preserve the family farm and our way of life.

19 Q. Have you had past experiences with power companies and their maintenance of their
20 easement and right-of-way, and do you have concerns about this aspect of the new power
21 line?

22 A. Central Electric has never been concerned about the appearance of the right of way, as we

1 see it. They come through with a large brush hog, knocked down 20 foot tall trees and left
2 it lay in a mess. The last time they widened the easement they left the timber lay as cut. I
3 cut the wood and took a dozer and pushed the brush and stumps off the easement and sowed
4 it in grass at my expense. I would call this unacceptable.

5 Q. Do you have any further testimony or observations to make for the Public Service
6 Commission?

7 A. We are definitely concerned about health hazards from a power line of this size. My wife
8 and neighbor living close to the present line have had cancer. We understand there are tests
9 going either way on this issue. There is no way our entire life's work could be replaced if
10 we have to move. The line will take out a tract of timber that is ideal for wildlife, deer,
11 rabbits. It is close to our home, where the grandchildren can hunt. We are very concerned
12 about the spraying of herbicides for brush control. The line crosses our water supply for
13 cattle and a wonderful fishing location for our children and grandchildren and friends. When
14 Central Electric obtained the easements they did not tell us that it could be given or sold to
15 another company. We were of the opinion that it was for their sole use. We felt obligated
16 to the Co-ops because they brought electricity to the rural people. At that time we still had
17 trust in people's honesty. There is no way we would have signed the easement if we had read
18 it, or known what their plans were.

19 Q. Does this conclude your Rebuttal Testimony?

20 A. Yes.

**CONCERNED CITIZENS OF FAMILY
FARMS AND HERITAGE**

STATEMENT OF PURPOSE

Concerned Citizens of Family Farms and Heritage ("Concerned Citizens") is an unincorporated membership association of family farm owners, small property owners, small business owners and farm community residents formed to promote the interests of family farming, small town communities and rural life. Membership is open to all who share the desire to promote the interests of family farms and small communities in the rural areas of central Missouri, and those who wish to preserve the rural environment against the continuous encroachment of large commercial development and urban sprawl. Our primary concern is with preservation and protection of the family farm and its heritage in rural Missouri. Concerned Citizens oppose through all lawful means the encroachment on and destruction of family farms, which are the fundamental economic and cultural basis for the rural lifestyle. Concerned Citizens promotes all reasonable efforts to preserve and protect family farms and rural lifestyle, and vigorously opposes impairment or destruction of property which is used or useful for perpetuation of rural existence on family farms, or diversion of property from use as family farms.