

Exhibit No.: _____
Issues: Adverse Effects of Route
Witness: Eric C. May
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
ERIC C. MAY**

ON BEHALF OF

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

JEFFERSON CITY, MISSOURI

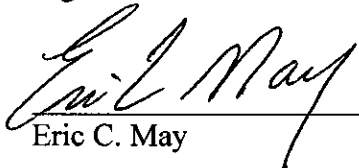
FILED²
AUG 08 2002
Missouri Public
Service Commission

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

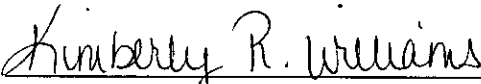
In the Matter of the Application of Union)
Electric Company for Permission and)
Authority to Construct, Operate, Own, and) Case No. EO-2002-351
Maintain a 345 Kilovolt Transmission Line)
in Maries, Osage, and Pulaski Counties,)
Missouri ("Callaway-Franks Line").)

AFFIDAVIT OF ERIC C. MAY

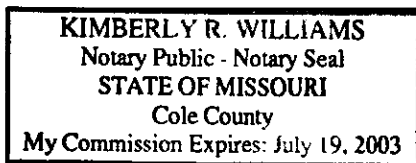
Eric C. May, being first duly sworn, deposes and says that he is the witness who sponsors the accompanying testimony entitled "Rebuttal Testimony of Eric C. May"; that said testimony was prepared by him and/or under his direction and supervision; that if inquiries were made as to the facts and conclusions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


Eric C. May

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


Notary Public

My Commission Expires: 7-19-03



**DIRECT TESTIMONY OF
ERIC C. MAY**

1 Q. Please state your name and residence address.

2 A. Eric May, HCR 64, Box 3, Linn, Missouri 65051. The listed address is both my residence
3 and business. I am owner and operator of Superior Service, Inc.

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

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

9 Q. What is the purpose of your testimony?

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

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

20 A. Yes, I am a member of that group and offer my testimony in support of its statement of

1 purpose, which is attached to this testimony and incorporated.

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

5 A. No. I have not been contacted by Ameren UE.

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

7 A. September 15, 1994 was the purchase date of my property.

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

9 A. I own approximately 100 acres. Approximately 40% of the land is open, the remaining land
10 is wooded. In addition to my business and residence this is my family farm and my primary
11 source of income as beef cattle and the sale of hay.

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

13 A. Yes. As stated above, we sell beef calves and hay when we have an abundant supply.

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

16 A. Yes. The proposed line will be within 150 feet of my residence and business.

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

18 A. Yes. There is a 161 kV transmission line on my property. The 161 kV line is owned by
19 Associated Electric Cooperative. The new proposed 345 kV line would parallel the existing
20 161 kV line.

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

22 A. In my opinion, yes. A power line of this size on my property will without question decrease

1 the overall value of the remaining property. The power line itself, the large easement taken
2 on a strip through that part of the property will impair present and future use of the entire
3 parcel of property I own. The option of selling the property to get rid of the problems caused
4 by the power line is unavailable. The power line will make the property virtually unsaleable,
5 requiring that I simply live with Ameren UE's solution to a problem that I do not feel I even
6 share with them. While I am unsure of the health affects of such a large power line so close
7 to my own daily activities, it is ingrained in the popular mentality that such power lines
8 constitute a health hazard, rendering unlikely any sale of my property at all. No one will buy
9 this property with this 345,000 volt electric line through it.

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

11 A. The attached statement of purpose for Concerned Citizens for Family Farms and Heritage
12 sums up the overall bad impact. I and my neighbors live where we do by choice. We forego
13 the luxuries of more urban living in exchange for the peace, quiet and more rustic lifestyle
14 of the family farm and the small local community. Every reason and purpose that my
15 neighbors and I own property here for is drastically impaired or practically destroyed by the
16 presence of this high voltage power line, and the constant commercial activity anticipated in
17 building and maintaining it in the future.

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

20 A. The alternatives are all within the power of Ameren UE to implement, and I do believe an
21 alternative exists. I believe Ameren should restudy the route and balance the interests of the
22 community against their need to relieve overloading problems. There are other corridors

1 equally available to Ameren to build this line which would be better able to bear the burden
2 of the line's presence without destroying property values, life styles and family farms. My
3 neighbors and I have no alternatives, and construction of the line as proposed will change our
4 lives and circumstances forever. We will not be able to sell even though we may not wish
5 to stay. Given our lack of options and alternatives, and the numerous alternatives available
6 to Ameren UE to put this line almost anywhere it wants, it is my hope that the Public Service
7 Commission will require Ameren UE to balance their mere commercial need against our vital
8 need to preserve the family farm and our way of life. It is my understanding that Ameren UE
9 has proposed some alternative routes, which are totally unacceptable and would completely
10 circle my entire farm. However, as I previously stated, Ameren UE has not discussed any
11 alternatives with me as of July 22, 2002.

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

15 A. From personal experience, electric companies cut fences and do not properly repair them,
16 which is not good since I have cattle. If my cattle are to get out of one of their improperly
17 repaired fences, I will be held liable for their negligence. Unwanted trash from their lunch
18 boxes is left on my property for me to pick up. They have cut ruts through my fields with
19 their vehicles. The fields that do not house cattle are planted with different types of hay
20 nutrients to be cut and baled to feed my cattle in the winter. Which brings up a concern as
21 to soil erosion. They have placed new power poles and left the old 80' power poles on my
22 land. They have parked vehicles overnight and used my electric to maintain their vehicles.

1 They have walked in my fields in search of arrowheads.

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

4 A. In my opinion, they have submitted one proposed route. And, that is because of the cost of
5 the line economics. They totally ignored the concerns of landowners, family values and
6 business owners. I am not an Ameren UE customer. I should not suffer a financial loss
7 because of their actions for financial gain. How will my property appraise out after this
8 proposed line is built? How will this line impact my one year old son with electro motive
9 forces? How will this line affect my cattle? I sell my cattle at the livestock market. How
10 will this affect other families - maybe yours? One steer is used to feed my family each year.
11 I also plant a garden. How will those electro motive forces affect the vegetables I feed my
12 family? My residence is only 150 feet away from a 161 kV line. Now, if another 345 kV is
13 installed, I have some very serious concerns about health. I am very unsure whether Ameren
14 UE has done any research on health issues. They have only researched on the cheapest way
15 for them to construct a power line.

16 Q. Does this conclude your Rebuttal Testimony?

17 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.