

Exhibit No.: _____
Issues: Adverse Effects of Route
Witness: Larry 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
LARRY MAY**

ON BEHALF OF

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

JEFFERSON CITY, MISSOURI

FILED²
AUG 08 2002
Missouri Public
Service Commission

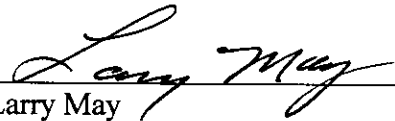
**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Application of Union)
Electric Company for Permission and)
Authority to Construct, Operate, Own, and)
Maintain a 345 Kilovolt Transmission Line)
in Maries, Osage, and Pulaski Counties,)
Missouri ("Callaway-Franks Line").)

Case No. EO-2002-351

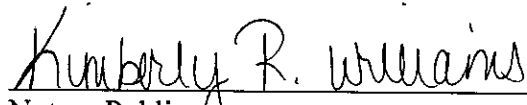
AFFIDAVIT OF LARRY MAY

Larry May, being first duly sworn, deposes and says that he is the witness who sponsors the accompanying testimony entitled "Rebuttal Testimony of Larry 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.



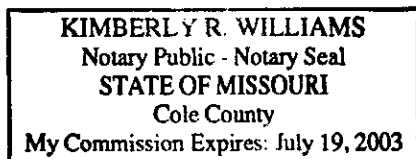
Larry May

State of Missouri
County of Cole
SUBSCRIBED and sworn to
before me this 24th day of July, 2002.



Notary Public

My Commission Expires: July 19, 2003



**DIRECT TESTIMONY OF
LARRY MAY**

1 Q. Please state your name and residence address.

2 A. Larry May.

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 to voice my opinions and experience in opposition to the
10 application to construct this transmission line on the route requested by Ameren UE. The
11 law requires that construction of this power line must be shown by Ameren UE to be
12 necessary and convenient for the public service. Regardless of any necessity for a
13 transmission line somewhere else, it is neither necessary nor convenient to the public to build
14 the transmission line as proposed. The line can be constructed in other areas and its
15 construction in the place and manner proposed will be destructive of family farms, family
16 farm values, and does irreparable harm to the history and heritage of the local area and its
17 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. I have not been contacted as of this date by Ameren UE. I have not been contacted by
6 Ameren UE for any reason. It is my opinion that there are no alternatives on my property for
7 any more power company experiences.

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

9 A. Seven years.

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

11 A. There is a business and a residence. To my knowledge this farm has been used for raising
12 cattle and timber harvest in the past and presently, to include growing crops to sustain the
13 livestock. My son lives here and has a shop-type building that is part of his business trade.
14 Selective removal of trees has been done here in the past.

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

16 A. Yes. Raising cattle and crops and selective harvests of trees.

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

19 A. Yes. The high voltage line runs about 100 feet from the shop and over a new fence and
20 reclaimed ground.

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

22 A. There are three existing power lines. One is less than 100 feet from the shop. This power

1 line is of high voltage, 161 kV is what we were told. The other two power lines transmit
2 power to our neighbors. These power lines criss-cross and run across our property in three
3 different directions. There is always a potential to run into a pole with equipment and for
4 unintentional damage and/or harm to life, limb, poles and equipment. It is difficult enough
5 to farm these hills and slopes without any more obstacles in the way, such as more poles,
6 wires, ruts and trails created by commercialism on the farm.

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

8 A. Yes. A power line of this size on my property will without question decrease the overall
9 value of the remaining property. The power line itself, the large easement taken on a strip
10 through that part of the property will impair present and future use of the entire parcel of
11 property I own. The option of selling the property to get rid of the problems caused by the
12 power line is unavailable. The power line will make the property virtually unsaleable,
13 requiring that I simply live with Ameren UE's solution to a problem that I do not feel I even
14 share with them. While I am unsure of the health affects of such a large power line so close
15 to my own daily activities, it is ingrained in the popular mentality that such power lines
16 constitute a health hazard, rendering unlikely any sale of my property at all. No one will buy
17 this property with this 345,000 volt electric line through it. According to Wilbers Real Estate
18 Company, yes, the power line will change the value of the farms. His statements can be
19 reviewed in the public hearing dated April 22, 2002, Volume 1.

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

21 A. The attached statement of purpose for Concerned Citizens for Family Farms and Heritage
22 sums up the overall bad impact. I and my neighbors live where we do by choice. We forego

1 the luxuries of more urban living in exchange for the peace, quiet and more rustic lifestyle
2 of the family farm and the small local community. Every reason and purpose that my
3 neighbors and I own property here for is drastically impaired or practically destroyed by the
4 presence of this high voltage power line, and the constant commercial activity anticipated in
5 building and maintaining it in the future. Also, the creosote from the poles and the latent
6 periods of chemical sprays in warm blooded life forms, and more obstacles to farm around
7 and with more unneeded trespassers are objected to.

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

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

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

1 line?

2 A. My son and I, at our own expense, repaired, replaced and reclaimed this property. The posts
3 in the fence line gaps were rotted off, gaps open in the wire gates mashed into the ground,
4 ruts were cut all through the property. There was soil washing into the creek and right of
5 way grown over with brush and bushes. When a contractor did show up, hired by the power
6 company, they widened the right of way another 50 feet leaving brush strewn about, cut trees
7 that were not on the right of way and snoop around our buildings and helped themselves.

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

10 A. Removing timber in the areas targeted will erode from run off of my property. According
11 to a contractor in excavation, about 450 acres uses our farm as watershed. The erosion is
12 now under control. It is totally unacceptable to start erosion again. My son and I have spent
13 a small fortune and time reclaiming this farm and clearing the fields. We do not want
14 Ameren UE recreating the same old problem.

15 On July 1, 2002 at a joint meeting Tom Beerman, Forestry Supervisor for Ameren
16 UE, told one of our members "We do not want you maintaining the right of ways, as we have
17 a program to combat overgrowth and undergrowth." Then he said "we are working on a joint
18 venture with Central Electric to maintain these right of ways. Mostly we will spray." I
19 wonder if there is a hidden latent period before these sprays reappear as a carcinogenic?
20 Agent orange did. 245-T did. We've got enough to worry about with EMF causing health
21 problems, without getting bombarded with chemicals too! Currently there are three
22 transmission lines on this farm. In my opinion, a fourth line is totally unacceptable.

1 Q. Does this conclude your Rebuttal Testimony?

2 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.