

Exhibit No.: _____
Issues: Adverse Effects of Route
Witness: Mary Lois Arbes
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
MARY LOIS ARBES**

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 MARY LOIS ARBES

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

Mary Lois Arbes

State of Missouri

County of Osage

SUBSCRIBED and sworn to

before me this 25 day of July, 2002.

[Signature]
Notary Public

My Commission Expires: _____

Byron P. Baker
Notary Public - Notary Seal
State of Missouri
Osage County
My Commission Exp. 09/11/2002

**DIRECT TESTIMONY OF
MARY LOIS ARBES**

1 Q. Please state your name and residence address.

2 A. Mary Lois Arbes, RR 1, Box 350, Bonnots Mill, Missouri 65016.

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 our farm.

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

3 A. Yes. A power line of this size on my property will without question decrease the overall
4 value of the remaining property. The power line itself, the large easement taken on a strip
5 through that part of the property will impair present and future use of the entire parcel of
6 property I own. The option of selling the property to get rid of the problems caused by the
7 power line is unavailable. The power line will make the property virtually unsaleable,
8 requiring that I simply live with Ameren UE's solution to a problem that I do not feel I even
9 share with them. While I am unsure of the health affects of such a large power line so close
10 to my own daily activities, it is ingrained in the popular mentality that such power lines
11 constitute a health hazard, rendering unlikely any sale of my property at all. No one will buy
12 this property with this 345,000 volt electric line through it. I am aware that pacemaker
13 companies instruct patients with a pacemaker not to work alone in a high voltage line area
14 because of electrical field interferences with the activity of the pacemaker and the heart
15 rhythm of the patient. This can lead to death. How can we say there is no health risk? Soil
16 erosion due to the area not being reseeded into grass land or pasture land is a huge problem
17 for soil conservation. The method of brush control by way of spraying herbicides can and
18 does kill cattle and gets into water systems and kills fish.

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

20 A. The attached statement of purpose for Concerned Citizens for Family Farms and Heritage
21 sums up the overall bad impact. I and my neighbors live where we do by choice. We forego
22 the luxuries of more urban living in exchange for the peace, quiet and more rustic lifestyle

1 of the family farm and the small local community. Every reason and purpose that my
2 neighbors and I own property here for is drastically impaired or practically destroyed by the
3 presence of this high voltage power line, and the constant commercial activity anticipated in
4 building and maintaining it in the future. I believe that the pole replacement at the farmers
5 or landowners' expense is more than the \$4,000.00 to \$5,000.00 Ameren has stated. At
6 today's cost for pole replacement, materials and equipment cost per hour, manpower cost per
7 hour, I believe the cost to be close to \$40,000.00 and this cost will continue to increase each
8 year. Ameren also has stated that the timber will be cut down and left in windrows along the
9 edge of the lines. At the July 1, 2002 meeting, Ameren offered fire wood logs and shedding
10 of waste, but these are at the option of Ameren and I do not believe they will do anything that
11 is not convenient to them.

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

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

1 Commission will require Ameren UE to balance their mere commercial need against our vital
2 need to preserve the family farm and our way of life.

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

6 A. Yes. Recently Asplundh personnel told me they were coming through my gate and if I didn't
7 like it "call my boss, 634-2454." Ameren personnel have twice requested to drive across my
8 pasture. I did not give them permission as it had rained and clay soil is slick when wet. I did
9 not want them stuck in my pasture and hay field. Work crews are a nuisance to landowners
10 and farmers.

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

13 A. I attest to the use of the property but the owner still pays taxes on the property. I am
14 concerned about the danger of fire or personal injury on the property and the lack of written
15 guidelines concerning Ameren UE's responsibilities to land owners. I object to spraying of
16 chemicals in or near water or water sources and to Ameren's policy of holding land owners
17 liable for damages to utility property. I object to the insufficiency of consideration for the
18 easement payments previously taken on the line and the false premise used when easements
19 were sold to a local rural electric cooperative many years ago but is now being given to
20 Ameren UE for a use exceeding the scope of those expectations. I question whether simply
21 "better" transmission of energy for use outside of Missouri ever justifies actual permanent
22 harm to Missouri residents like me. I already have multiple power lines concentrated on a

1 single property, erosion problems, timber loss and harm to wildlife. We as land owners did
2 not request that these poles be placed on our property. We lose 4 ½ to 5 acres of usable land
3 when a line crosses a 40 acre section. Ameren's only response for not doing a different
4 design is "it costs us too much!" Will Ameren pay for cattle or livestock lost due to spraying
5 fallen lines or fire? Ameren managed to acquire the easements that were sold to our local
6 rural electric cooperative for the co-op's use without even notifying the co-op's members.
7 I do not doubt that Ameren will soon return to the landowners and demand more land
8 easements for their investor owned purposes. On July 1, 2002, Ameren personnel stated "I
9 don't know where the electricity will go after it gets into the Franks Station." Yet Ameren
10 keeps repeating that the extra electricity is needed. Ameren has not given any written
11 guidelines concerning their responsibility to landowners. Ameren has not given any direct
12 answers to questions from the audience at public meetings. Most of their answers are "I
13 don't know" or they talk in circles, or they state "it is expensive to do a different design."
14 Trees are a cooling agent for the earth and cleans the air of gases, such as carbon dioxide, etc.
15 Ameren offers minimum compensation for this. Ameren offered at a public meeting 25%
16 of appraised value, a one time payment. Ameren's profits will go up each year, the farmers
17 and landowners taxes and insurance will go up each year, but Ameren does not accept that
18 the farmer and landowner need a yearly increase on a lease and/or rental rate each year to
19 equal Ameren profits. Land values have changed since 1952 when easements were obtained
20 at \$10.00 per pole by Central Electric. Ameren doesn't recognize things have changed.

21 Q. Does this conclude your Rebuttal Testimony?

22 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.