

Exhibit No.: \_\_\_\_\_  
Issues: Adverse Effects of Route  
Witness: Mary C. Bexten  
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 C. BEXTEN**

**ON BEHALF OF**

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

**JEFFERSON CITY, MISSOURI**

**FILED<sup>2</sup>**  
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 C. BEXTEN

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

Mary C. Bexten

State of Missouri  
County of Cole  
SUBSCRIBED and sworn to  
before me this 22 day of July, 2002.

Dawn R. Laffoon  
Notary Public

My Commission Expires: 05/04/03

DAWN R. LAFFOON  
Notary Public - Notary Seal  
STATE OF MISSOURI  
COLE COUNTY  
My Commission Expires May 4, 2003

**DIRECT TESTIMONY OF  
MARY C. BEXTEN**

1       Q.     Please state your name and residence address.

2       A.     Paul J. Bexten and Mary C. Bexten, husband and wife, Route 1, Box 201, Freeburg, Missouri  
3             65051.

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 does irreparable harm to the history and  
17             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, not once.

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

7 A. Thirty-three years. Prior to that my father and grandfather owned this property. So it has  
8 been in the family for over 100 years.

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

10 A. It is an active farm with pasture land for cattle, wooded/timber land, and possible home  
11 building sites in the future.

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

13 A. Yes. Our current use of the property is to gain income from raising cattle and this is our main  
14 income. Paul Bexten is a full time farmer.

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

17 A. Yes. The proposed transmission line would run over at least three fences, which are a  
18 necessity to contain our cattle.

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

20 A. Yes, we do. The current lines are a nuisance and harm our business. Additional lines would  
21 restrict our hay and pasture quantity and quality and are even more of a nuisance when  
22 mowing hay or whipping pastures. Also, there is always a possibility of stray voltage to our

1 cattle. In addition, building lots which might be used in the future are diminished in size and  
2 desirability.

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

4 A. Yes. A power line of this size on my property will without question decrease the overall  
5 value of the remaining property. The power line itself, the large easement taken on a strip  
6 through that part of the property will impair present and future use of the entire parcel of  
7 property I own. The option of selling the property to get rid of the problems caused by the  
8 power line is unavailable. The power line will make the property virtually unsaleable,  
9 requiring that I simply live with Ameren UE's solution to a problem that I do not feel I even  
10 share with them. While I am unsure of the health affects of such a large power line so close  
11 to my own daily activities, it is ingrained in the popular mentality that such power lines  
12 constitute a health hazard, rendering unlikely any sale of my property at all. No one will buy  
13 this property with this 345,000 volt electric line through it. This line most definitely would  
14 alter present and future use and accessibility for us as well.

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

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

1 would pose a nuisance and annoyance to us. The nuisance and dangers of spraying the right  
2 of way and the dangers to our livestock and possible damage to our fences, pastures, etc. will  
3 be a permanent gnawing concern.

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

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

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

20 A. In the past, because of maintenance crews, we have had cattle get out in spite of good fences.  
21 Upon inspection, fencing and/or gates were down under or near the power lines. After  
22 discussion with neighbors, we discovered that contractors for the power company had been

1                working on the right of way at that time.

2            Q.     Does this conclude your Rebuttal Testimony?

3            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.