

Exhibit No.: \_\_\_\_\_  
Issues: Adverse Effects of Route  
Witness: Edward J. Nichols  
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  
EDWARD J. NICHOLS**

**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 EDWARD J. NICHOLS

Edward J. Nichols, being first duly sworn, deposes and says that he (he/she) is the witness who sponsors the accompanying testimony entitled "Rebuttal Testimony of Edward J. Nichols"; 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.

Edward J. Nichols  
Edward J. Nichols

State of Missouri

County of Osage

SUBSCRIBED and sworn to

before me this 23<sup>rd</sup> day of July, 2002.

Ellen A. Nichols  
Notary Public Ellen A. Nichols

My Commission Expires: 12/14/02

**ELLEN A. NICHOLS**  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Osage County  
My Commission Expires: Dec. 14, 2002

**DIRECT TESTIMONY OF  
EDWARD J. NICHOLS**

1 Q. Please state your name and residence address.

2 A. Edward J. Nichols, Star Route, Box 27, Chamois, Missouri 65024.

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 and to stop UE from crossing my property. 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. Yes, but they only came out and surveyed and stated where they were going through. UE did  
6 not ask for my permission - - like as if the property was theirs already. How much land do  
7 we have to give up for these big companies? It is a shame that the land owner gets the shaft  
8 like this.

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

10 A. Thirty-five years.

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

12 A. The property has pasture for cattle, wooded/timber land, and is our family residence and  
13 home. I believe in conservation. I have good wildlife habitat, which I'll lose a lot of.

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

15 A. Yes. I rely on my cattle and my timber for income. I have good timber that I'll have to cut.  
16 I really don't want to because it took too long to grow it.

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

19 A. Yes. It will run near a barn.

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

21 A. Yes. When Three Rivers came through they said my electric bills would come down. That  
22 never did happen. Three Rivers cut the right of way and that was good for 20 years. Then

1 they came back and widened the right of way another 20 feet on both sides. I lost at least 50  
2 good logs. No cost to them?

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. The bad part is these lines are  
14 there for life. I am not going to sign any easement and I do not want spider webs of high  
15 voltage wires going across my property.

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

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

1 building and maintaining it in the future.

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

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

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

19 A. Yes. I have concerns with the power company lines that run through my property now. They  
20 keep widening the right of way because I guess they can draw up any easement they want to  
21 and call it the law. How can they survey and say they are coming through without  
22 permission or have a signed document from the land owner?

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

3 A. On the right of way now I have one section of the right of way I can't even brush hog. When  
4 the power plant was built in Callaway, UE came around and lied to us to get us to sign  
5 support for it. I have been very disappointed and disgusted with the electric company and  
6 I wish I had never signed for it. It's bad enough to have danger at our back door, let alone  
7 to be wrapped up in spider webs of high voltage wires. I hope that UE can reroute or not  
8 build this line for the benefits of other states, while we get the shaft as the landowner.

9 Q. Does this conclude your Rebuttal Testimony?

10 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.