

Exhibit No.: _____
Issues: Adverse Effects of Route
Witness: Darin 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
DARIN 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 DARIN ARBES

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

Darin Arbes

State of Missouri

County of Osage

SUBSCRIBED and sworn to
before me this 27 day of July, 2002.

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
DARIN ARBES**

1 Q. Please state your name and residence address.

2 A. Darin Arbes, Route 1, Box 344, 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 Q. Have you as a property owner in the path of the proposed transmission line been contacted
2 by Ameren UE for purpose of discussing where the line would go through your property and
3 what alternatives, if any, might be available?

4 A. No.

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

6 A. The property has been in my family for 12 years.

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

8 A. The property is pasture land and woods.

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

10 A. Yes. The pasture land is used for my cattle and I also use the timbered sections by picking
11 up walnuts for income. I also use the woods for hunting. It is a family farm.

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

13 A. Yes. I am worried about spraying herbicides on my land and the health risk to cattle and
14 myself. My property is already sufficiently threatened by the existing lines.

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

16 A. Yes. A power line of this size on my property will without question decrease the overall
17 value of the remaining property. The power line itself, the large easement taken on a strip
18 through that part of the property will impair present and future use of the entire parcel of
19 property I own. The option of selling the property to get rid of the problems caused by the
20 power line is unavailable. The power line will make the property virtually unsaleable,
21 requiring that I simply live with Ameren UE's solution to a problem that I do not feel I even
22 share with them. While I am unsure of the health affects of such a large power line so close

1 to my own daily activities, it is ingrained in the popular mentality that such power lines
2 constitute a health hazard, rendering unlikely any sale of my property at all. No one will buy
3 this property with this 345,000 volt electric line through it. I feel like my farm will be worth
4 substantially less money if we had to sell it.

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

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

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

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

1 to Ameren UE to put this line almost anywhere it wants, it is my hope that the Public Service
2 Commission will require Ameren UE to balance their mere commercial need against our vital
3 need to preserve the family farm and our way of life.

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

7 A. Yes. The current power line crews leave a terrible mess when they brush hog. They leave
8 dangerous, chewed up stumps everywhere.

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

11 A. I am especially concerned about Ameren's policy of holding land owners liable for damages
12 to their utility property. I am also outraged that Ameren gets the use but as owner I still pay
13 taxes on property. There is absolutely no good to come out of this proposal for the farmer
14 and landowner. It is completely one sided.

15 Q. Does this conclude your Rebuttal Testimony?

16 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.