

Exhibit:	Public Interest
Issue(s)	Written Rebuttal
Type of Exhibit:	Testimony
Witness:	Mary Frances Scholl
Sponsoring Party:	Terry and Mary Frances Scholl
File No.:	EA-2021-0087
Date Testimony Prepared:	August 24, 2021

MISSOURI PUBLIC SERVICE COMMISSION  
FILE NO. EA-2021-0087

WRITTEN REBUTTAL TESTIMONY

OF

MARY FRANCES SCHOLL

ON BEHALF OF

TERRY LIN AND MARY FRANCES SCHOLL

August 24, 2020

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1 **I. INTRODUCTION**

2 **Q. Please state your name and address.**

3 A. Mary Frances Scholl.

4 **Q. What is your spouse's name?**

5 A. Terry "Lin" Scholl.

6 **Q. What is your occupation?**

7 A. I am retired. Prior to my retirement, I served in the United  
8 States Air Force for 20 years, then worked for Southeast Missouri State  
9 University for 8 years as an administrative assistant. I am also a full-time  
10 homemaker, and until recently provided assistance to both of my parents as  
11 well as my father-in-law as they aged.

12 **Q. What is your home address?**

13 A. 633 Chestnut Oak Lane, Altenburg, Missouri 63732. The home is  
14 located on Parcel Number 19-6.0-013-000-000-002.00000.

15 **Q. Are you familiar with the application for Certificate of  
16 Convenience and Necessity ("CCN") filed by Ameren Transmission  
17 Company of Illinois (ATXI) for the "Limestone Ridge Project"?**

18 A. Yes. I am familiar with the proposal to construct a new,  
19 approximately 15-mile 138 kV transmission line in Perry and Cape  
20 Girardeau Counties (the "Project"). I have reviewed the Direct Testimony  
21 filed by the ATXI Witnesses in this case.

1           **Q.    What is the purpose of your rebuttal testimony?**

2           A.    The purpose of my testimony is to respond to the Application for  
3 a CCN and Direct Testimony filed by ATXI. My testimony summarizes  
4 concerns about the proposed Project. I also explain why the Commission  
5 should impose certain conditions on the CCN, should it issue a CCN in order  
6 to preserve the interests of landowners.

7           **Q.    Have you testified previously before the Missouri Public**  
8 **Service Commission?**

9           A.    No.

## 10 **II. THE SCHOLL PROPERTY**

11           **Q.    How long have you lived at 633 Chestnut Oak Lane in**  
12 **Altenburg?**

13           A.    We constructed our home in 2016-2017 and have resided there  
14 since August 2017.

15           **Q.    In addition to the parcel on which your home sits, what**  
16 **other parcels do you own?**

17           A.    We own five total adjacent parcels, totaling 330 acres ("The  
18 Property"). The proposed route will directly impact three parcels: 19-1.0-012-  
19 000-000-008.00000, 19-6.0-013-000-000-003.00000, and 19-6.0-013-000-000-  
20 013.00000. The proposed route is less than 250 feet to the northwest of the

1 parcel with our primary residence (19-6.0-013-000-000-002.00000). *See*  
2 attached, Schedule MS-1.

3 **Q. Why did you choose to construct your residence at this**  
4 **site?**

5 A. Our home was built upon the footprint of a previous farmhouse  
6 that stood on this ground for more than a century. We delight in the four  
7 seasons and the circle of wildlife as they "play out" across the hills, the  
8 bottom ground and in the front and back yards outside our windows. The  
9 crops, the trees (hand planted 20 years ago), the sky, and the weather are all  
10 hard-earned blessings we worked hard to attain and want to relish in our  
11 retirement years.

12 **Q. How long have you owned the Property?**

13 A. We have owned the property for more than 20 years. We  
14 originally purchased approximately 250 acres in 2001, and later, in 2019,  
15 purchased approximately 80 additional acres. The Property not only contains  
16 our primary residence, but we utilize approximately 70 acres for agriculture,  
17 while other areas have been preserved primarily for hunting, timber  
18 harvesting and outdoor activity.

19 **Q. Prior to the construction of your home, what was your**  
20 **relation to the property?**

1           A.     My husband has hunted on this property for more than fifty  
2 years. His father and grandfather lived on the property as tenants in the  
3 1930s and 1940s. Several of his aunts were born on this farm.

4           **Q.     Tell us more about Parcel Number 19-6.0-013-000-000-**  
5 **002.00000.**

6           A.     This is where our primary residence is located. The property also  
7 contains other structures including a 150-year-old pinned barn. The fields on  
8 this parcel are terraced for agricultural use. The property includes several  
9 trees in excess of 150 years old. In addition, the southern portion of the  
10 property contains a habitat restoration wetland project which we spent time  
11 and resources in collaboration with the Missouri Department of Conservation  
12 to complete and maintain. This parcel has caves, a natural spring, and we  
13 have found Native American artifacts in these fields.

14          **Q.     Tell us more about Parcel Number 19-6.0-013-000-000-**  
15 **003.00000.**

16          A.     This parcel includes the driveway to our home. We planted 22  
17 Chestnut Oaks (now mature) along our driveway in 2001. This driveway is  
18 our only ingress and egress to our home. In addition, the driveway provides  
19 the only ingress and egress to one of our pastures, where we have hay  
20 growing. There is also a 150-year-old tree on the property. A newer shed was  
21 built on this parcel in 2016. There is also a large sinkhole on this parcel,

1 which we worked with the Missouri Department of Conservation to clean up  
2 approximately 20 years ago.

3 **Q. Tell us more about Parcel Number 19-6.0-013-000-000-**  
4 **013.00000.**

5 A. This parcel is largely used for agriculture. There are two man-  
6 made terraces to control soil erosion. This parcel is our "main entrance" to the  
7 farm. There is a small "branch" or stream running east southeast on the  
8 north side of the parcel.

9 **Q. Tell us more about Parcel Number 19-1.0-012-000-000-**  
10 **008.00000.**

11 A. This parcel is planted with native trees, as part of a Missouri  
12 Department of Conservation project to improve riparian filter strips. We have  
13 invested significant time and resources in creating and preserving habitat for  
14 wildlife on our Property, particularly on this parcel. There are no buildings  
15 on this parcel, but Brazeau Creek runs through this parcel.

### 16 **III. THE SCHOLLS' INTEREST**

17 **Q. Why have you intervened in this case?**

18 A. We first learned we would be potentially impacted by the project  
19 in October 2020. We have been doing our very best to read all of the  
20 information provided by ATXI, attend any information sessions, and ask

1 questions. We learned nearly every proposed route would directly impact our  
2 Property.

3 The final route affects 70 parcels of land, owned by 48 different  
4 landowners. Hiser Direct, 7:19-20. We have intervened in this case because  
5 we are one of the 48 landowners affected, with four of the seventy impacted  
6 parcels. One of the four impacted parcels includes our primary residence.

7 While the Company has been focused on "reliability" (with which we do  
8 not have a problem) and economic development, the Company often ignores  
9 the direct and significant impact the Project will have on private property  
10 owners, wildlife, and natural resources, such as caves and karsts, water  
11 sources, and trees.

12 While we recognize the constraints placed on the process by Covid-19,  
13 we have been disappointed by the lack of opportunities for landowners to  
14 discuss this issue face-to-face with both the companies involved and with  
15 Commissioners, Staff and the Office of Public Counsel through the public  
16 hearing process.

17 **Q. Are you opposed to the application for a Certificate of**  
18 **Convenience and Necessity (CCN) by ATXI?**

19 A. Unless the Commission imposes certain conditions in relation to  
20 the Project, we are very much opposed. We respectfully ask the Commission



1 to deny ATXI's request for a CCN as not in the public interest, unless the  
2 Commission imposes certain conditions as described herein.

3 **Q. Have you reviewed the direct testimony of Sean Black**  
4 **regarding the public interest?**

5 A. Yes. I was disappointed that his testimony (Black Direct, 20:7-17)  
6 failed to address the interest of the property owners directly affected by the  
7 Project. I am pleased with my current utility service and have not had any  
8 issues with respect to reliability.

9 **Q. What concerns do you have about the Project?**

10 A. We are concerned that the Commission's approval of the  
11 transmission line will:

- 12 (1) compromise our constitutionally protected private property rights;  
13 (2) impair existing contracts involving the Property;  
14 (3) destroy previous investments in the Property; and  
15 (4) diminish land and home values.

16 **(A) COMPROMISE PRIVATE PROPERTY RIGHTS**

17 **Q. Specifically, what rights are you concerned you will be**  
18 **forced to give up if ATXI is granted a CCN?**

19 A. We are particularly concerned that ATXI is requesting a  
20 permanent easement. We believe a shorter term with a right of renewal is

1 appropriate and would provide greater protection of private property rights.

2 We are concerned we will be forced to give up rights, including but not  
3 limited to:

4 (1) The ability to set the price for the land;

5 (2) The loss of present enjoyment and use of the land;

6 (3) The loss of future enjoyment and land use options;

7 (4) The fragmentation of parcels of land by the easement; and

8 (5) The loss of timber and wildlife.

9 **Q. What are your concerns regarding the Easement**  
10 **Agreement?**

11 A. The Easement Agreement (Hiser Direct, CH-02) is written to  
12 favor and protect ATXI. It should be revised to protect private property rights  
13 and ensure just compensation to landowners. We also do not believe a  
14 permanent easement is necessary.

15 **(B) DIMINISH LAND AND HOME VALUES**

16 **Q. What is another reason for opposing the transmission**  
17 **line?**

18 A. We are concerned that the Commission's approval of the  
19 transmission line will adversely impact home and land values, which we have  
20 striven to improve over more than 20 years.

1           **Q.    How will the transmission line affect the value of your**  
2 **property?**

3           A.    We do not know exactly how the transmission line will affect our  
4 property, except to know it will become less attractive aesthetically and we  
5 likely will suffer financially. Not only does the transmission line have the  
6 potential to harm the environment and wildlife on the Property, but it also  
7 significantly damages the aesthetic beauty and viewscales of our Property.  
8 Damage to property value is more significant the closer the transmission line  
9 is to a residence, and in this case, it is extremely close to our primary  
10 residence.

11           **Q.    What will be the dollar amount of the reduction?**

12           A.    We are not sure at this time the extent to which it will devalue  
13 the property.

14           **Q.    Do you have examples of the negative impact of high-**  
15 **voltage direct current line on home values?**

16           A.    We are aware of an article in which homes where a HDVC line  
17 was installed near the homes were sold at discounts of \$70,000 or more.<sup>1</sup>

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<sup>1</sup> See Tsawwassen homes selling fast: BC Hydro, CBC News, July 21, 2010, accessed August 2021, <https://www.cbc.ca/news/canada/british-columbia/tsawwassen-homes-selling-fast-bc-hydro-1.961436>.

1 Another article suggests proximity to power lines can decrease property  
2 values 10-40%.<sup>2</sup>

3 **(C) DESTROY PREVIOUS INVESTMENTS**

4 **Q. What are your concerns regarding the destruction of**  
5 **previous investment in the Property?**

6 A. ATXI witness Dan Schmidt (in Schedule DS-01) identified  
7 Brazeau Creek as already impaired. We are concerned about additional  
8 impairment from construction processes.

9 We are concerned about the 150-year-old trees we have endeavored to  
10 preserve and concerned about the Chestnut Oaks we planted along our  
11 driveway.

12 We are concerned about the land which we have developed for  
13 agriculture use.

14 We are concerned about damage to the ingress and egress portions of  
15 our property (more than one area is served by a single ingress and egress).

16 We are concerned about damage to karst or cave areas which we have  
17 worked to clean up and preserve.

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<sup>2</sup> Buying House Next to Power Lines and How it Affects Resale, Gustan Cho Associates, January 18, 2021, accessed August 2021, <https://gustancho.com/buying-house-next-to-power-lines>.

1           We are concerned about impacts to the local environment, including  
2 underground water resources -- since our land is mostly used for agriculture  
3 and hunting.

4           We also have significant concerns about the increased risk of wildfires  
5 as a result of the Project.

6           **(D) IMPAIRMENT OF CONTRACTS**

7           **Q. Are there other reasons why you oppose the transmission**  
8 **line?**

9           A. Yes. We currently contract with another individual to conduct  
10 farming on the property. We have worked with this lease farmer and his son  
11 for more than 15 years. It is the primary income source for our Property and  
12 we are very concerned that the Project will result in less productivity as well  
13 as less interest on the contract farmer to continue the relationship.

14 **IV. ATXI'S STANDARDS AND PROCEDURES ARE INSUFFICIENT**

15           **Q. Why are "ATXI's Standards and Procedures for Construction,**  
16 **Repair and Maintenance and Right-of-Ways for the Limestone Ridge Project"**  
17 **insufficient?**

18           A. First, Section I ("Applicability") gives ATXI too much discretion  
19 regarding whether they will actually implement the standards and  
20 procedures.

1           **Q.    Are there issues with the Standards and Procedures**  
2 **"Right-of-Way Acquisition" section?**

3           A. Yes. It should contain limitations similar to those imposed in EA-  
4 2016-0358:

5           1. The certificate is limited to the construction of this line in the  
6 location specified in the application, and as represented to landowners  
7 on the aerial photos provided by ATXI, unless a written agreement  
8 from the landowner is obtained, or the company gets a variance from  
9 the Commission for a particular property, provided, however, minor  
10 deviations to the location of the line not exceeding 50<sup>3</sup> feet will be  
11 permitted as a result of surveying, final engineering and design, and  
12 landowner consultation, so long as the line and required easements  
13 stay within the property boundaries of that landowner and do not  
14 involve a new landowner.

15  
16           2. Absent a voluntary agreement for the purchase of the property  
17 rights, the transmission line shall not be located so that a residential  
18 structure currently occupied by the property owners will be removed or  
19 located in the easement requirement the owner to move or relocate  
20 from the property.

21  
22           **Q.    What is missing from the "Construction and Clearing"**  
23 **section?**

24           A.    First, it should contain a provision requiring ATXI to record the  
25 number of trees cut down on each parcel and provide landowners the same  
26 number of trees from the Missouri Department of Conservation Nursery for  
27 planting in alternative locations. Second, it should require ATXI to return

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<sup>3</sup> This was 500 feet in EA-2016-0358. Given the proximity to our primary residence, this number should be reduced.

1 any artifacts (historical, Native American, etc.) recovered during construction  
 2 to the landowner.

3 **Q. What else is missing from the Standards and Procedures"?**

4 A. A section setting forth "Landowner Interactions" similar to those  
 5 imposed in EA-2016-0358 is missing. Provisions should include:

6 1. Every landowner from whom ATXI requires an easement will be  
 7 contacted personally, and ATXI will negotiate with each such  
 8 landowner in good faith on the terms and conditions of the easement,  
 9 its location, and compensation therefore. Each landowner will receive  
 10 an Easement Agreement pertaining to such landowner's land, which  
 11 Easement Agreement will contain a drawing that shows the location of  
 12 the easement.

13  
 14 2. After construction is completed, every landowner will be  
 15 contacted personally to ensure construction and clean-up was done  
 16 property, to discuss any concerns, and to settle any damages that have  
 17 occurred.

18  
 19 3. If a landowner so desires, ATXI will give the landowner a  
 20 reasonable period of time in advance of construction to harvest any  
 21 timber the landowner desires to harvest.  
 22

## 23 **V. THE SCHOLLS' RECOMMENDATIONS**

24 **Q. Why are you asking the Commission to carefully weigh**  
 25 **"the public interest" in making their decision?**

26 A. The Commission must consider the "public interest" when  
 27 determining whether a CCN should be issued. Here, the Project imposes  
 28 significant detriments on affected landowners - yet ATXI glosses over the

1 public interest in its Direct Testimony, only looking at the public at large  
2 (and their own interests).

3 **Q. What conditions would you recommend be imposed to**  
4 **protect landowners?**

5 A. The Commission should require ATXI to:

6 1. Rewrite the Easement Agreement to protect landowners  
7 interests' as addressed herein;

8 2. Adequately compensate landowners; and

9 3. Order the application of ATXI's Standards and Procedures  
10 for Construction, Repair and Maintenance and Right-of-Ways for the  
11 Limestone Ridge Project, as modified as suggested herein, as a  
12 condition of the CCN.

13 **Q. Does this conclude your rebuttal testimony?**

14 A. Yes.



# LIMESTONE RIDGE PROJECT

# ROUTE MAP

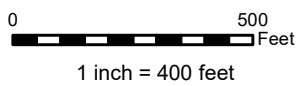
TERRY L SCHOLL AND MARY FRANCES SCHOLL

PARCEL NUMBER 19-1.0-012-000-000-008.00000  
PCR 438  
ALTENBURG, MO 63732

MAP ID: P48

*The route depicted on this map is the route ATXI is proposing to utilize for purposes of the project. All landowners in the study area are advised to stay engaged as the project progresses through siting and regulatory approvals.*

April 2021



- Notification Parcel
- Proposed Parcel ROW
- Final Proposed Centerline
- Final Proposed ROW
- Residence
- Non-residence
- Parcels



The proposed transmission line requires a 125 feet ROW easement.

# LIMESTONE RIDGE PROJECT

# ROUTE MAP

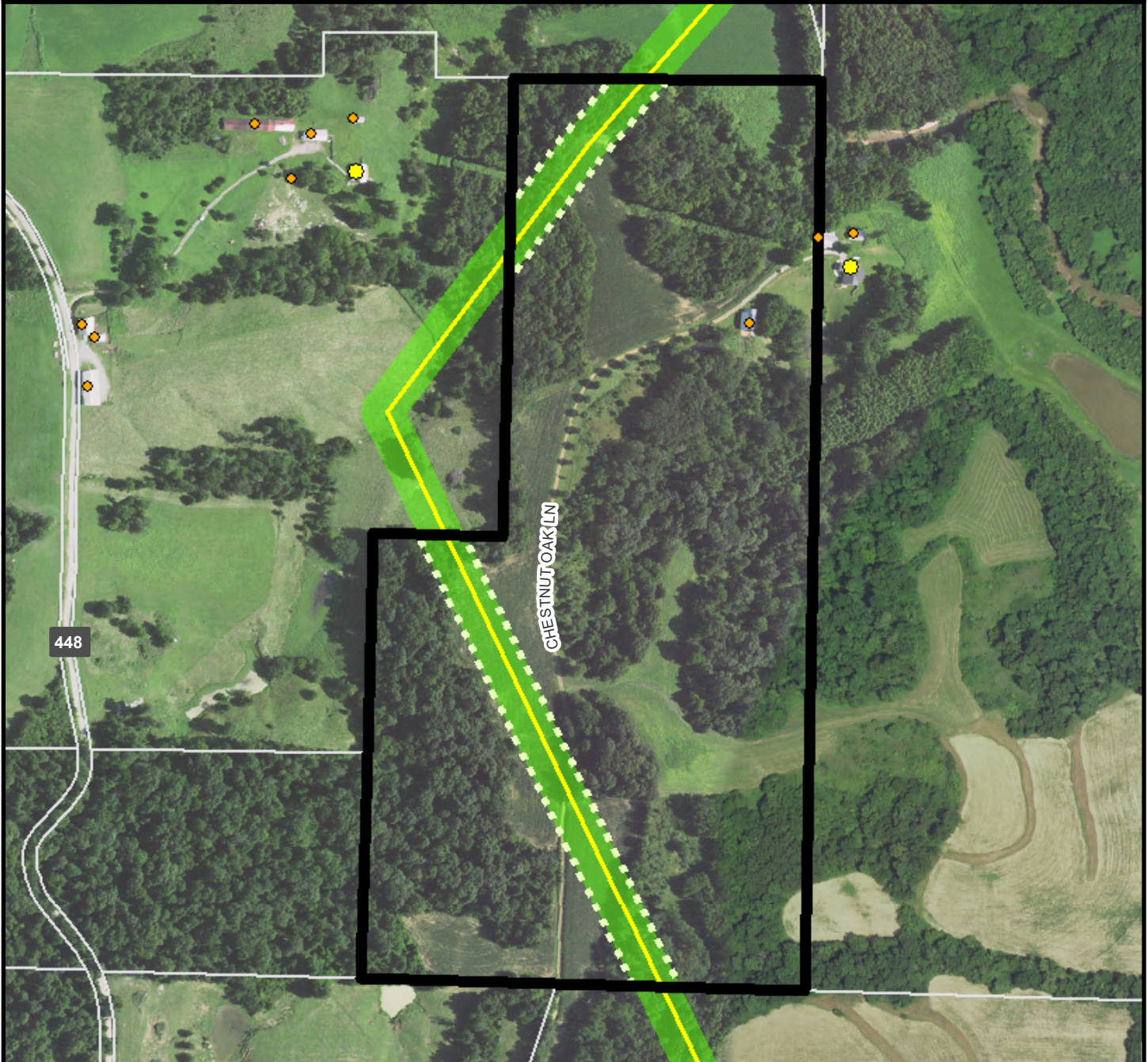
TERRY L SCHOLL AND MARY FRANCES SCHOLL

PARCEL NUMBER 19-6.0-013-000-000-003.00000  
CHESTNUT OAK LN  
ALTENBURG, MO 63732

MAP ID: P50

*The route depicted on this map is the route ATXI is proposing to utilize for purposes of the project. All landowners in the study area are advised to stay engaged as the project progresses through siting and regulatory approvals.*

April 2021



0 500 Feet  
1 inch = 450 feet



- Notification Parcel
- Proposed Parcel ROW
- Final Proposed Centerline
- Final Proposed ROW
- Residence
- Non-residence
- Parcels



The proposed transmission line requires a 125 feet ROW easement.

P50

# LIMESTONE RIDGE PROJECT

# ROUTE MAP

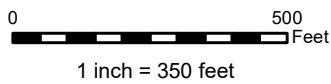
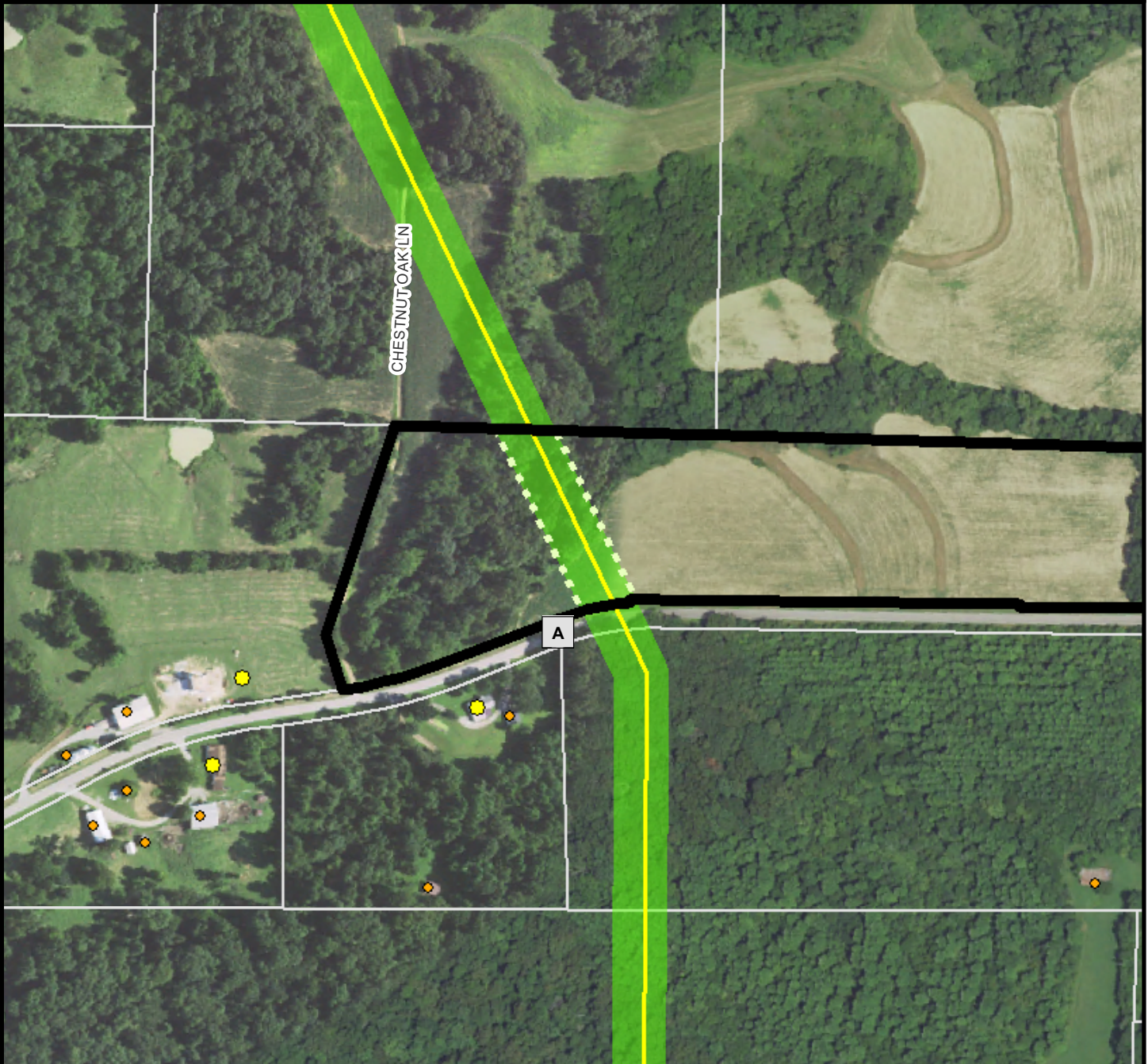
TERRY L SCHOLL AND MARY FRANCES SCHOLL

PARCEL NUMBER 19-6.0-013-000-000-013.00000  
HIGHWAY A  
ALTENBURG, MO 63732

MAP ID: P51

*The route depicted on this map is the route ATXI is proposing to utilize for purposes of the project. All landowners in the study area are advised to stay engaged as the project progresses through siting and regulatory approvals.*

April 2021



- Notification Parcel
- Proposed Parcel ROW
- Final Proposed Centerline
- Final Proposed ROW
- Residence
- Non-residence
- Parcels



The proposed transmission line requires a 125 feet ROW easement.

P51

# LIMESTONE RIDGE PROJECT

# ROUTE MAP

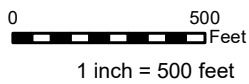
TERRY L SCHOLL AND MARY FRANCES SCHOLL

PARCEL NUMBER 19-6.0-013-000-000-002.00000  
633 CHESTNUT OAK LN  
ALTENBURG, MO 63732

MAP ID: P42

The route depicted on this map is the route ATXI is proposing to utilize for purposes of the project. All landowners in the study area are advised to stay engaged as the project progresses through siting and regulatory approvals.

April 2021



- Notification Parcel
- Proposed Parcel ROW
- Final Proposed Centerline
- Final Proposed ROW
- Residence
- Non-residence
- Parcels



The proposed transmission line requires a 125 feet ROW easement.

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

In the Matter of the Application of Ameren )  
Transmission Company of Illinois for a Certificate )  
of Public Convenience and Necessity to Construct, )  
Install, Own, Operate, Maintain, and Otherwise )  
Control and Manage a 138 kV Transmission Line )  
and associated facilities in Perry and Cape )  
Girardeau Counties, Missouri )

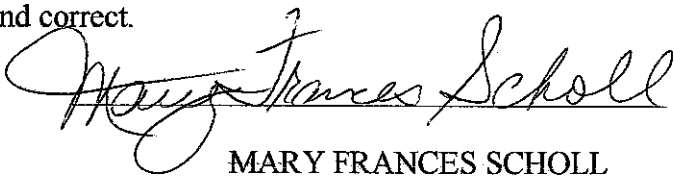
Case No. EA-2021-0087

**AFFIDAVIT OF MARY FRANCES SCHOLL**

STATE OF MISSOURI )  
  ) ss  
PERRY COUNTY            )

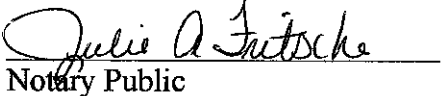
Mary Frances Scholl, being first duly sworn on her oath, states:

1. My name Mary Frances Scholl. I live at 633 Chestnut Oak Lane, Altenburg, Missouri 63732.
  
2. Attached to this affidavit and made a part hereof for all purposes is my Written Rebuttal Testimony (testimony) on behalf of myself and my husband, Terry "Lin" Scholl. The testimony is  20  pages and has been prepared in the appropriate format to be introduced into evidence in the case above.
  
3. I hereby swear and affirm that my answers contained in the attached testimony to the questions promulgated therein are true and correct.

  
 MARY FRANCES SCHOLL

Sworn to and subscribed before me this  23<sup>th</sup>  day of August, 2021.

JULIE A. FRITSCHÉ  
 Notary Public - Notary Seal  
 State of Missouri  
 Commissioned for Perry County  
 My Commission Expires: May 31, 2024  
 Commission Number: 20746691

  
 Notary Public

My commission expires:  May 31, 2024