

Exhibit No. 306
Issues: Aerial Applications
Witness: Dale Pence
Type of Exhibit: Rebuttal
Sponsoring Party: MLA
Case No.: EA-2016-0358
Date Testimony Prepared: Jan., 2017

MISSOURI PUBLIC SERVICE COMMISSION

CASE NO. EA-2016-0358

REBUTTAL TESTIMONY OF

DALE EDWARD PENCE

ON BEHALF OF

MISSOURI LANDOWNERS ALLIANCE

January, 24, 2017

MLA Exhibit No. 306
Date 3-20-17 Reporter KB
File No. EA-2016-0358

- 1 **1. Q. Please state your name**
- 2 A. Dale Edward Pence
- 3 **2. Q. Where do you reside?**
- 4 A. I live in Ray County Missouri.
- 5 **3. Q. By who are you employed?**
- 6 A. I own my own aerial crop dusting business, Pence Aerial Service, located in
- 7 Richmond, Missouri/ Business address: 41520 E. 120th Street, Richmond, MO 64085
- 8 **4. Q. Please give a brief description of the nature of your business.**
- 9 A. The business employs seasonal help and a ground crew of two people. We apply
- 10 herbicides, fungicides, and insecticides to agricultural property in eleven counties in
- 11 Kansas and six counties in Missouri. For the most part the crops we spray are
- 12 pasture, corn, soybeans, and wheat.
- 13 **5. Q. When did you begin flying airplanes?**
- 14 A. I began flying in 1979. I have been flying for 38 years.
- 15 **6. Q. Before getting into the aerial application business, what experience did you have**
- 16 **flying airplanes?**
- 17 A. I had nearly 300 hours of flying time before getting into the crop dusting business. I
- 18 flew ferry flights, delivered aircraft, people, and cargo. I also flew skydivers.
- 19 **7. Q. How long have you been involved in the business?**
- 20 A. I have been in the aerial application business continuously for the past 25 years.
- 21 **8. Q. How long have you owned your own spraying business?**
- 22 A. Since 1991.
- 23 **9. Q. What counties in Missouri do you normally work in?**
- 24 A. Carroll, Livingston, Ray, Saline, Clay, Lafayette, Chariton, Boone, Audrain, Caldwell,
- 25 Linn

1 **10. Q. Please briefly describe the airplanes you operate in your business.**

2 A. We have three planes: one 500 gallon and two 280 gallon capacity aircraft. I also
3 call additional aircraft in during the season as needed.

4 These planes are equipped with state of the art GPS systems.

5 **11. Q. Have you taken any safety courses related to your business?**

6 A. Yes, I take safety courses annually sponsored by the Professional Aerial Applicators'
7 Support System (PAASS) developed by National Aerial Application Association
8 Research Education Foundation (NAAAREF) in both Kansas and Missouri. These are
9 produced by the Department of Agriculture and the NAAA. Each program lasts a
10 minimum of two days. One of the lessons of these courses is to avoid high-voltage
11 transmission lines.

12 **12. Q. Do you have any experience in spraying where an electrical transmission line is**
13 **located?**

14 A. Yes, annually I have to operate my agriculture aircraft near cross country power
15 lines, as well as local distribution lines.

16 **13. Q. Please describe the problems that high voltage transmission lines and towers**
17 **cause in your crop dusting business.**

18 A. The number one problem of the cross country transmission lines is that they almost
19 always cross through and not at the end of the agriculture fields. With the
20 introductions of larger and faster aircraft, it is no longer wise to fly under the wires,
21 and the lines are too tall to spray over them and achieve a quality spray pattern. This
22 leads to cutting the field into separate pieces, increasing time and expense, and
23 lowering productivity.

24 **14. Q. How many acres of farmland would you not be able to treat along a transmission**
25 **line?**

1 A. Assuming we cannot treat an area about 160 feet in width, then we will lose
2 approximately 19 acres of farmland for every mile of transmission line and the quality
3 of application will diminish.

4 **15. Q. In addition to the inability to spray certain areas, does the existence of the lines**
5 **and towers pose any safety risks to you as a pilot?**

6 A. Any obstacle is a safety issue for my type of business. Every year pilots are killed or
7 injured making contact with power lines. We lost a pilot in Missouri this year
8 contacting a cross country power line. It only takes an instant to misjudge distance
9 and placement of power lines.

10 **16. Q. You stated that the line will make it impossible to spray certain parts of farmland**
11 **near the line and towers. Can't the chemicals you use be applied to those areas by**
12 **crews on the ground?**

13 A. Often they can be, but sometimes aerial application is the only real option, as when
14 the crop is too tall, or the land too wet for ground application.

15 **17. Q. Would the existence of the proposed transmission line have any effect on your**
16 **business and the business of other crop dusters across northern Missouri?**

17 A. Sure it would. A cross country power line will increase the hazard level and lower the
18 quality of application.

19 **18. Q. If the line eliminates some crop dusting business in the area of the line, would it**
20 **also affect the sale of fuel to the crop dusters?**

21 A. The general cost of operations will always be greater when a pilot has to maneuver
22 around obstacles.

23 **19. Q. Could the line also affect the crop yields of your clients?**

1 A. As I stated before, the quality of the application lowers, which results in less
2 effectiveness of the product applied. In whole, cross country power lines will
3 increase my business costs while lowering my customers' income.

4 **20. Q. Does this complete your testimony?**

5 A. Yes, it does.

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI


In the Matter of the Application of Grain Belt Express)
Clean Line LLC for a Certificate of Convenience and)
Necessity Authorizing it to Construct, Own, Operate,)
Control, Manage, and Maintain a High Voltage, Direct) Case No. EA-2016-0358
Current Transmission Line and an Associated Converter)
Station Providing an Interconnection on the Maywood-)
Montgomery 345 kV Transmission Line)

Affidavit of Dale Edward Pence

STATE OF MISSOURI)
) SS
COUNTY OF RAY)

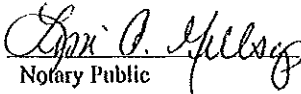
Dale Edward Pence, being first duly sworn on oath states:

1. My name is Dale Edward Pence.
2. Attached hereto and made a part hereof for all purposes is my testimony submitted to the Missouri Public Service Commission.
3. I hereby swear and affirm that my answers contained in the attached testimony to the questions therein asked are true and accurate to the best of my knowledge, information and belief.


Dale Edward Pence

Subscribed and sworn before me this 23rd day of January, 2017.

LISA A. MILLSAP
Notary Public - Notary Seal
STATE OF MISSOURI
Ray County
My Commission Expires Apr. 30, 2020
Commission #12457195


Notary Public